

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF FLORIDA
3 WEST PALM BEACH DIVISION

4 CASE NO. 20-md-02924-ROSENBERG

5 **IN RE: ZANTAC (RANITIDINE)** .
6 **PRODUCTS LIABILITY** . West Palm Beach, FL
7 **LITIGATION.** . November 18, 2020
8 .
9 .

10 TELEPHONIC DISCOVERY CONFERENCE
11 BEFORE THE HONORABLE BRUCE REINHART
12 UNITED STATES MAGISTRATE JUDGE

13 FOR THE PLAINTIFFS: **MARLENE J. GOLDBERG, ESQ.**

14 Goldenberg Law, PLLC
15 800 LaSalle Avenue
16 Suite 2150
17 Minneapolis, MN 55402
18 612-238-3150

19 **ROBERT C. GILBERT, ESQ.**

20 Kopelowitz Ostrow Ferguson
21 Weiselberg Gilbert
22 2800 Ponce de Leon Boulevard
23 Suite 1100
24 Miami, FL 33134
25 305-384-7270

FRANCISCO R. MADERAL, ESQ.

Colson, Hicks, Eidson
255 Alhambra Circle
Coral Gables, FL 33134
305-476-7400

FOR THE DEFENDANTS: **TERRY M. HENRY, ESQ.**

Blank Rome LLP
One Logan Square
130 N. 18th Street
Philadelphia, PA 19103
215-569-5644

JOSHUA A. KLARFELD, ESQ.

Ulmer & & Berne LLP
1660 W Second Street
Suite 1100
Cleveland, Ohio 44113
216-583-7000

NICOLE M. BATTISTI, ESQ.

Morrison Mahoney LLP
88 Pine Street
Suite 1900
New York, N.Y. 10005
516-672-9884

Official Court Reporter: Pauline A. Stipes
HON. ROBIN L. ROSENBERG
Ft. Pierce/West Palm Beach, Fl
772.467.2337

1 *THE COURT:* Good afternoon. This is case number
2 20-md-2924, In Re: Zantac (Ranitidine) Product Liability
3 Litigation. We are here for a discovery conference.

4 Let me recognize the parties who are going to
5 participate, and I'll begin with counsel for the Plaintiffs.

6 *MR. GILBERT:* Good afternoon, your Honor. This is
7 Robert Gilbert, co-lead counsel for the Plaintiffs, and I will
8 be appearing today along with two of my colleagues who will
9 introduce themselves now.

10 *THE COURT:* Good afternoon.

11 *MR. MADERAL:* Good afternoon, your Honor, this is
12 Francisco Maderal on behalf of the Plaintiffs.

13 *MS. GOLDENBERG:* Good afternoon, your Honor, this is
14 Marlene Goldenberg also on behalf of the Plaintiffs.

15 *THE COURT:* Mr. Gilbert, Mr. Maderal, Ms. Goldenberg,
16 good afternoon.

17 Let me recognize counsel then for Apotex, Inc.

18 *MR. HENRY:* Thank you, your Honor, this is Terry Henry
19 appearing for Apotex, Inc.

20 *THE COURT:* Good afternoon, Mr. Henry.

21 Let me recognize counsel for Aurobindo Pharma,
22 Limited.

23 *MR. KLARFELD:* Good afternoon, your Honor, this is
24 Joshua Klarfeld on behalf of Aurobindo Pharma, Limited.

25 *THE COURT:* Good afternoon.

1 Finally, let me recognize counsel for Cadila
2 Healthcare, Limited.

3 *MS. BATTISTI:* Yes, your Honor, this is Nicole
4 Battisti on behalf of Defendant Cadila Healthcare, Limited.

5 *THE COURT:* Let me ask Mr. Henry, just because
6 alphabetically your client is first for me, is anyone here
7 today on behalf of Wockhardt, Limited or ECM?

8 *MR. HENRY:* Your Honor, Mr. Klarfeld and myself are
9 going to speak on behalf of the other foreign Defendants and,
10 of course, Ms. Battisti will be speaking on behalf of Cadila
11 Health. While there may be a Wockhardt representative here, as
12 well as other representatives, we will be speaking on their
13 behalf.

14 *THE COURT:* Understood. Thank you for clarifying
15 that.

16 The matters before the Court this afternoon relate to
17 jurisdictional discovery. Just to recap very quickly, I have
18 reviewed all of the pleadings that I am going to reference
19 here. There have been Motions to Dismiss filed by the -- what
20 we refer to as the foreign Defendants based upon alleged lack
21 of personal jurisdiction. In response -- and then along with
22 those motions were also declarations filed as a supplement.

23 The Plaintiffs responded by requesting jurisdictional
24 discovery prior to filing responses to Motions to Dismiss.
25 Judge Rosenberg, in an order dated October 30th, at Docket

1 Entry 2185, granted in part the request for jurisdictional
2 discovery and reserved in part on the motion for jurisdictional
3 discovery.

4 Thereafter, the foreign Defendants filed a motion
5 requesting clarification to see whether Judge Rosenberg's order
6 at Docket Entry 2185 precludes them from obtaining reciprocal
7 discovery and requesting in the alternative that they be given
8 leave to seek reciprocal jurisdictional discovery.

9 By an order entered yesterday at Docket Entry 2297,
10 Judge Rosenberg referred -- first clarified that her order had
11 not addressed the issue of reciprocal discovery, and referred
12 to me the merits question, whether there should be reciprocal
13 discovery given to the foreign Defendants.

14 I have reviewed all of the documents I have mentioned.
15 Let me check with the Plaintiff, were there any other filings
16 that you submitted to the Court that I haven't referenced that
17 you believe I should have reviewed?

18 *MR. GILBERT:* Yes, Judge. This is Robert Gilbert.
19 The only other document in that line of pleadings or filings
20 that you referred to was the opposition that the Plaintiffs
21 filed on Monday to the foreign Defendants' motion for
22 clarification, and our opposition is filed at Docket Entry
23 2293.

24 *THE COURT:* Yes, thank you for clarifying that. That
25 is here, I did review that. Other than that, is there anything

1 else I should have known about?

2 *MR. GILBERT:* No, your Honor.

3 *THE COURT:* From any of the Defendants, anything that
4 you have filed that I haven't referenced that you believe I
5 should have reviewed?

6 *MR. HENRY:* Your Honor, Terry Henry. Not that I
7 recall.

8 *THE COURT:* Mr. Klarfeld, anything?

9 *MR. KLARFELD:* Yes, your Honor, nothing else that was
10 filed. The parties did, however, yesterday submit a joint
11 statement of the issues that were then pending before your
12 Honor with the exception, obviously, of the reciprocal
13 jurisdictional discovery, which we didn't have that order until
14 last night.

15 *THE COURT:* I understand. I do have them, I am going
16 to reference them in a second.

17 No other pleadings or filings in the docket that I
18 should review; am I correct, Mr. Klarfeld?

19 *MR. KLARFELD:* That is correct, your Honor.

20 *THE COURT:* Ms. Battisti, anything else that you have
21 filed that I didn't reference?

22 *MS. BATTISTI:* No, nothing further.

23 *THE COURT:* As Mr. Klarfeld mentioned, the parties
24 submitted, consent with the discovery PTO in this case, a very,
25 very helpful, very informative joint memo that I have reviewed,

1 including the attachment. I appreciate very much the chart
2 that you gave me that differentiated the different issues that
3 have been presented. I want to thank the parties for that. It
4 was very, very helpful to me.

5 Before I turn to the specific request, I do have a
6 couple of global or bigger picture questions that I want to
7 propose so I can clarify just what I need to address today.

8 So, let me start with -- Mr. Gilbert, you mentioned
9 earlier -- or at least what I was inferring from what you were
10 saying is that you might be requesting that we not directly
11 address the reciprocal discovery request today. Do you have a
12 view on that or a request as to that?

13 If not, my other question related to that is, I was
14 going to ask you, or whomever is going to argue this for the
15 Plaintiffs, to clarify for me your position on reciprocal
16 discovery, whether your position is that as a matter of law
17 they cannot have reciprocal discovery, or the law would allow
18 it in certain circumstances, but here it is not warranted
19 either because it is not relevant and proportional, or even if
20 it is relevant and proportional, it would be unduly burdensome.

21 If you could address those two issues for me, please.

22 *MR. GILBERT:* Thank you, your Honor. Robert Gilbert
23 responding.

24 It would be our view that it would be better not to
25 address the referral made by Judge Rosenberg last night in her

1 order that was issued last evening for a couple of reasons.

2 Number one is, we haven't met and conferred in detail
3 over this specific discovery request. We had requested that
4 the Defendants file a motion with Judge Rosenberg to lay out
5 their issues, which they did. Judge Rosenberg ordered us to
6 respond very quickly, which we did, and there has now been an
7 order entered referring that matter in its entirety to you.

8 So, we have not submitted anything as far as a joint
9 submission to your Honor that addresses the specific positions
10 on the various discovery requests that the non-foreign -- that
11 the four Defendants wish to serve.

12 So, my view -- our view is that it would be better
13 discussed at another date.

14 If, however, your Honor wishes to hear argument on the
15 threshold issue today about whether the foreign Defendants
16 should be entitled to conduct any jurisdictional discovery of
17 the Plaintiffs, I can argue that, and I would be prepared to
18 argue that issue, but not to go into the merits of their
19 discovery request specifically.

20 As to your more detailed question about whether our
21 position is that they should not be permitted to do so as a
22 matter of law, or based on factual issues, I would suggest to
23 the Court that it is a combination of both.

24 While there is some scant authority -- I won't get
25 into the argument, but I would suggest to the Court it is a

1 combination of both.

2 *THE COURT:* Okay. I appreciate your position, I
3 appreciate the clarification.

4 Let me turn to Mr. Henry first on behalf of your
5 client. What is your reaction? It sounds like Mr. Gilbert
6 would like a chance to meet and confer and maybe negotiate a
7 little with you all. What is your position on that?

8 If that is what the parties want to do, I will set
9 another discovery hearing to deal with that issue immediately
10 after Thanksgiving, so you won't be delaying this forever. It
11 will be delayed maybe a week.

12 *MR. HENRY:* Your Honor, I am going to defer that
13 question to Mr. Klarfeld, as he is going to address the
14 Defendants' response on jurisdictional discovery.

15 *THE COURT:* Okay, Mr. Klarfeld.

16 *MR. KLARFELD:* If the Court would prefer to defer the
17 question for another week or so, we are not going to complain
18 about that, however, we think that the issue is ripe and it's
19 ready to be heard, and if your Honor is prepared to decide it
20 today, we are prepared to go forward as well.

21 To be clear, we had attempted to meet and confer over
22 both the question of whether we were entitled to conduct
23 jurisdictional discovery and the substance of what those
24 requests would look like, but those discussions broke down.

25 So that it is clear what we are talking about, there

1 are a total of two interrogatories and two requests for
2 production that we are talking about.

3 I am not certain that an extensive, or really any, at
4 this point, further meet and confer is going to get us very
5 far, and in light of the fact that your Honor is already
6 addressing the scope of jurisdictional discovery, we think it
7 is entirely appropriate to address that in its entirety today.

8 *THE COURT:* Thank you. Let me hear from Ms. Battisti
9 first. Ms. Battisti.

10 *MS. BATTISTI:* No, I don't have anything further to
11 add. Cadila has -- the Judge has not yet ordered that we
12 engage in any jurisdictional discovery yet that was referred to
13 you, so we are going to defer to Mr. Henry and Mr. Klarfeld for
14 that.

15 *THE COURT:* Okay. Mr. Gilbert, that was another
16 preliminary question. The first question I meant to ask you
17 and I forgot, are you still pursuing jurisdictional discovery
18 against Cadila given that they have been dismissed out of the
19 case?

20 *MR. GILBERT:* We are, Judge. I believe the Court is
21 mistaken. The party that has been dropped from the case is
22 ACIC, A-C-I-C, Pharmaceutical, the entity that Ms. Coleman
23 announced her appearance on behalf of. So, we dropped ACIC,
24 and that leaves five, including Cadila, and Cadila is the one
25 that Judge Rosenberg did not make a decision we are or are not

1 entitled to jurisdictional discovery. She referred that matter
2 to you, and that is the issue that Ms. Goldenberg is going to
3 argue on our behalf and, as I understand it, Ms. Battisti will
4 be arguing on behalf of Cadila.

5 *THE COURT:* All right. Very well. I got my parties
6 confused. Thank you for clarifying that.

7 I think, at a minimum, what I would like to do today
8 is certainly address the issue of whether there is any legal
9 barrier to granting reciprocal jurisdictional discovery,
10 because it seems to me that if the conclusion is that the law
11 doesn't allow it, then there is no reason to meet and confer
12 over something that the law doesn't allow, and I may be able to
13 reach that conclusion from the bench here today, or virtual
14 bench here today, or I may not, and I may want to do some
15 research and do a written order. If that issue is undecided, I
16 think it probably makes sense to allow you to meet and confer.

17 Let me table that for the time being because I wanted
18 to address the other issues first.

19 So, let me start with the issue of Cadila. If you are
20 not going to be in this maybe, Ms. Battisti, you will want to
21 hang up the phone and go do something else.

22 Let me hear first, Ms. Goldenberg, as to why you
23 should be permitted jurisdictional discovery as to Cadila.

24 *MS. GOLDENBERG:* Yes, your Honor. So, going back to
25 the Court's order as to the other five Defendants, our reading

1 of it was that the reason we are entitled to jurisdictional
2 discovery goes to the fact that the paragraph the Judge cited,
3 paragraphs 220 to 223 in the master PI complaint, coupled with
4 the ANDA allegations, would sufficiently merit discovery,
5 knowing, of course, that she withheld judgment on the overall
6 merits of the motion itself.

7 Those same paragraphs, 220 to 223, apply equally to
8 Cadila as they do to the other Defendants. The only question
9 that is left over is, is there something similar to the
10 application of an ANDA that applied to Cadila that would merit
11 jurisdictional discovery as to them and, fortunately, your
12 Honor, there is.

13 If we look at the case the Court relied on, which was
14 the Acorda Therapeutics case, the Court in that case held that
15 the reason the ANDA was sufficient for jurisdictional discovery
16 purposes was that it evidenced an intent to market products in
17 the United States.

18 Here, Cadila, while they don't own an ANDA, they are
19 registered with the FDA as a labeler. When you register with
20 the United States FDA as a labeler, that means that you are
21 intending to label and market your products within the United
22 States. So, just on that basis alone, we think that that
23 provides the analogous facts necessary to start out -- to at
24 least conduct jurisdictional discovery relating to Cadila.

25 A second point that is also relevant is that Cadila,

1 as they mentioned in their supplement to their Motion to
2 Dismiss, has two facilities where they manufacture and those
3 facilities are also registered with the FDA. When you register
4 with the FDA to manufacture a product in the United States, you
5 not only are manufacturing a product, but you're submitting
6 yourself to the jurisdiction of a U.S. Federal agency. You are
7 committing to make products that comply with United States law,
8 you are submitting to inspection of your facilities.

9 By way of example, one of these two facilities that
10 the Defendants reference in their memorandum was actually
11 inspected in 2019, and received a letter from the FDA
12 specifically telling them that they needed to make certain
13 corrections if they wanted to continue to market product and
14 sell product in the United States.

15 Again, going back to the Acorda Therapeutics versus
16 Mylan case, these are just two instances where there is clear
17 intent on behalf of Cadila to market product in the U.S.

18 *THE COURT:* Despite the fact that you have told me
19 that there was an inspection in 2019, where is that pled?

20 *MS. GOLDENBERG:* I don't believe that is in the
21 Complaint, it is something that we learned afterward, your
22 Honor.

23 *THE COURT:* Okay. What about the fact that they have
24 an FDA registration, where is that pled?

25 *MS. GOLDENBERG:* Agency is pled in the Complaint. The

1 U.S. counterpart is the U.S. registered agent for Cadila.

2 *THE COURT:* I don't see where agency is pled. I saw a
3 paragraph that has conclusory statements that there is an
4 agency relationship. What facts have you pled to establish
5 there is an agency relationship other than one is a subsidiary
6 of the other?

7 *MS. GOLDENBERG:* Your Honor, in the Court's order
8 where she discussed the allegations that were just enough to
9 get us over the hurdle to conduct discovery, she cited those
10 paragraphs at 220 to 223, and those paragraphs were the ones
11 that generally make allegations to that effect. They are cited
12 on page three of the Court's order as well, and those, coupled
13 with the additional facts that show that there is an intent to
14 market the drug in the United States, we believe are sufficient
15 to conduct discovery here.

16 *THE COURT:* I understand that. What I am probing with
17 you is what are those other facts? I think Judge Rosenberg
18 specifically found that those paragraphs standing on their own
19 weren't enough, so what additional facts have you pled other
20 than the five paragraphs that Judge Rosenberg found weren't
21 good enough?

22 *MS. GOLDENBERG:* Your Honor, candidly, the facts about
23 the FDA registration are not in the Complaint. We certainly
24 could amend the Complaint to add those in. I think if we did
25 that, we probably would find ourselves back here, but we would

1 be more than happy to make that amendment and add that
2 information in if the Court would deem that to be sufficient.

3 *THE COURT:* I don't get to rule on your Motion to
4 Dismiss or anything like that. I get to rule on jurisdictional
5 discovery questions.

6 The other question is, you reference the fact that by
7 registering with the FDA Cadila has submitted itself to the
8 jurisdiction of a Federal agency. If my recollection is
9 correct, that Federal agency is located in Maryland?

10 *MS. GOLDENBERG:* It is, your Honor.

11 *THE COURT:* What other states or jurisdiction do you
12 allege you have evidence that Cadila was targeting in the
13 United States?

14 *MS. GOLDENBERG:* Your Honor, in its supplemental
15 affidavit that Cadila filed with its motion they indicate that
16 they ship their product to Eversana, and I believe Eversana is
17 a facility they reference in Indiana. What we know is that
18 Cadila would ship the product directly to that third party
19 distributor and the U.S. entity never actually even touched it.

20 *THE COURT:* Okay. You have Maryland and Indiana. Are
21 those the only two states in which you have sued Cadila or have
22 you sued them in other jurisdictions?

23 *MS. GOLDENBERG:* The short form Complaints are, of
24 course, filed by Plaintiffs who are from all over the country,
25 and the proper remand jurisdictions would be territories

1 throughout the United States.

2 As to the class action Plaintiffs, there is a
3 statement that we would be happy to bring those Complaints in
4 those two states if we needed to in order to address the issue.

5 *THE COURT:* My question is this, I looked at the class
6 action Complaint, is Cadila named in the third party payor
7 Complaint as well?

8 *MS. GOLDENBERG:* I don't have that --

9 *MS. BATTISTI:* Yes, they are.

10 *MS. GOLDENBERG:* They are. Okay.

11 *THE COURT:* In those two Complaints they are alleging
12 all Defendants are being sued in all jurisdictions, are they
13 not?

14 *MS. GOLDENBERG:* Yes, and we know that Cadila's
15 product was sent to Eversana with the intent that it be
16 distributed throughout the United States, and that allegation
17 would allow jurisdiction to be spread across the rest of the 50
18 states.

19 *THE COURT:* And you have evidence of that?

20 *MS. GOLDENBERG:* Yes. We are asking permission to get
21 a little bit more discovery on that issue, but yes.

22 *THE COURT:* I understand. Thank you. Let me turn to
23 Ms. Battisti and I will come back to you.

24 Ms. Battisti.

25 *MS. BATTISTI:* Yes, thank you, your Honor. The

1 standard here is that Plaintiffs have to establish a prima
2 facie case of personal jurisdiction and they concede that is a
3 threshold requirement in their motion.

4 The only thing that Plaintiff has alleged in the
5 Complaint specific to Cadila is that we were a corporation
6 organized and existing under the laws of India with its
7 principal place of business in India, and that is correct. All
8 their allegations are generalized and nonspecific, and they
9 haven't met their burden as to Cadila, and Judge Rosenberg
10 recognized this.

11 In her order she analyzed those allegations that she
12 said -- Plaintiffs' counsel just referred to, and she held that
13 those allegations alone do not establish a prima facie case of
14 personal jurisdiction because they do not state any facts with
15 specificity and they are not tailored to any of the Defendants
16 named in the personal injury Complaint, let alone Cadila.

17 The only reason why Judge Rosenberg allowed Plaintiffs
18 to pursue limited and narrowly tailored jurisdictional
19 discovery against the other five foreign Defendants is because
20 Plaintiffs alleged in their Complaint that these five
21 Defendants were ANDA holders, not that being an ANDA holder
22 creates personal jurisdiction, but it got Plaintiffs over the
23 hump of establishing a prima facie case, and they needed to
24 pursue jurisdictional discovery.

25 They can't get over that hump with Cadila. They have

1 not alleged Cadila was an ANDA holder, which is correct. They
2 have not alleged any specific conduct or activity done by
3 Cadila which would even bring it within the realm of being
4 entitled to jurisdictional discovery.

5 The case relied upon by Judge Rosenberg, and also
6 referred to by Plaintiffs' counsel, was the Acorda Therapeutics
7 case in which the Federal Court of Appeals looked at two things
8 to determine whether personal jurisdiction could be
9 established, one was the ANDA, and the second was the
10 Defendant's intent to market the drug within a particular
11 state.

12 Here, Plaintiffs cannot establish either with respect
13 to Cadila because we don't hold the ANDA, and because we were
14 not distributing the drug, which was established by our
15 declaration, and Plaintiffs cannot even establish a generalized
16 intent to market, let alone a specific intent to market in
17 Florida or any other state, so that argument fails.

18 With regard to Cadila, we were not registered to do
19 business in Florida or any other state with regard to
20 Ranitidine. Our sole activities were all done on foreign soil,
21 and we never employed anyone in the U.S. to carry out the
22 activities with regard to Ranitidine, and we certainly did not
23 control distribution or distribute the product at all within
24 the U.S. So that shuts down Plaintiff's stream of commerce
25 theory.

1 With regard to the arguments about the alter ego and
2 agency theories, they are so far removed from the facts that
3 could bind because Cadila is not using Zydus, a subsidiary, to
4 distribute Ranitidine. Yes, they are a distributor, but it is
5 Zydus' product, they hold the ANDA, they own the product. So,
6 Zydus is distributing the drug throughout the U.S. for Zydus,
7 they are not distributing it for Cadila, so that argument also
8 fails.

9 With regards to Plaintiff's argument about Cadila
10 being the labeler, that also fails because Zydus, as the ANDA
11 holder, has responsibility for the product, and we don't see
12 how that establishes personal jurisdiction against Cadila.

13 *THE COURT:* Okay. At this stage, I have to view the
14 facts in the light most favorable to the Plaintiffs in
15 assessing intent to market the drug. Do you not agree? Is
16 that the principle I have to go by?

17 *MS. BATTISTI:* I understand that is the principle. I
18 just think that the Courts have repeatedly held that where a
19 Plaintiff doesn't submit any competent evidence to support
20 personal jurisdiction, it is not permitted to subject a foreign
21 Defendant to jurisdictional discovery, and I don't think that
22 Plaintiffs have given anything to warrant jurisdictional
23 discovery against Cadila.

24 And to note, the third party distributor mentioned is
25 not in Indiana, it is in Memphis, Tennessee.

1 *THE COURT:* Understood. Again, none of that is pled,
2 so I'm not sure I can consider any of it at this stage, but I
3 understand.

4 Anything further on this, Ms. Battisti?

5 *MS. BATTISTI:* No, your Honor.

6 *THE COURT:* Thank you. Ms. Goldenberg, I will give
7 you the last word.

8 *MS. GOLDENBERG:* Sure. Your Honor, I will start with
9 the point where we agree. I think Ms. Battisti and I do agree
10 that the intent to market is an important component here, and
11 when you put your name on something, and when you register it
12 with the United States FDA you are objectively saying I am here
13 to make a product that is going to be distributed and marketed
14 and sold within the United States.

15 So, I think that objective intent certainly exists,
16 and that is what was important to the case -- or to the Court
17 in the Acorda Therapeutics case which we have already
18 discussed.

19 I apologize, Mr. Gilbert also wanted me to mention
20 that he was disconnected and he was able to call back in.

21 Again, we are not here to try and get you to rule on
22 the merits of the motion; we are just here to discuss whether
23 or not we are able to do jurisdictional discovery and whether
24 we are under a similar set of facts that exist as to the other
25 five Defendants.

1 While those facts that we discussed earlier are --
2 specifically as to Cadila are not in the Complaint, they are in
3 the declaration and the supplement that Cadila filed in their
4 Motion to Dismiss, and they talk about the chain of
5 distribution and the way that it works and the fact that Zydus
6 never actually touches their product and that they do ship
7 product directly to the United States.

8 I think I will leave it at that, your Honor.

9 *THE COURT:* I am sorry if I asked you this
10 previously -- by the way, Mr. Gilbert, while you were gone Ms.
11 Goldenberg did a great job, so nothing to worry about.

12 I am sorry if I asked you this already, Ms.
13 Goldenberg, but the fact that Cadila has an FDA registration
14 relating to the labeling, is that in one of the Complaints or
15 is that in an affidavit? Where would I find that?

16 *MS. GOLDENBERG:* In their supplement they discuss that
17 they have two facilities that are registered -- I don't recall
18 if they said they are registered to do business with the FDA,
19 but they certainly mention that they have two facilities
20 overseas that make product that was distributed -- or that was
21 made to be sold and marketed in the United States.

22 *THE COURT:* I will look at their declaration again.

23 Very well argued on both sides. I am going to take
24 this under advisement. I want to go back and look at some of
25 the cases that you cited and go back and look through the

1 Complaints again. I will take that under advisement.

2 Ms. Battisti, for purposes going forward, I will let
3 you be heard, if you want to be heard, on the specific
4 discovery request in the event that I do rule that they are
5 entitled to take jurisdictional discovery. If you want to
6 defer it to your colleague, you certainly can do that.

7 *MS. BATTISTI:* Thank you, your Honor.

8 *THE COURT:* Let me turn then to the specific
9 request -- Mr. Gilbert, maybe you are the right person to ask.

10 At sort of a higher level, I wanted to get a sense
11 from you of your -- the jurisdictional theories that are pled
12 and where they are pled so I can make sure that I am
13 considering all of them.

14 As I read through them, I sort of gathered two
15 theories of personal jurisdiction, one -- as to these
16 Defendants, one was under Florida's long arm statute
17 specifically, and generally under agency and alter ego type
18 principles, so an agency, alter ego theory of personal
19 jurisdiction, and the other one was a stream of commerce
20 theory.

21 Are there other theories of personal jurisdiction that
22 you believe are in the Complaint that I should be focused on or
23 are those primarily the two that you are relying on?

24 Mr. Gilbert, did we lose you again?

25 *MR. MADERAL:* Your Honor, this is Francisco Maderal.

1 I don't know if we lost Mr. Gilbert or not.

2 *THE COURT:* He may be muted. I will unmute everybody.
3 It occurred to me as I was talking.

4 Mr. Gilbert, can you hear me?

5 *MR. GILBERT:* Yes, Judge.

6 *THE COURT:* I apologize for locking you out.

7 *MR. GILBERT:* It wasn't your fault, it was my fault.

8 *THE COURT:* Did you hear my question, and can you
9 respond to it?

10 *MR. GILBERT:* I did, and I will respond to it. Under
11 the master personal injury Complaint the answer is, yes, the
12 primary theories of jurisdiction are specific jurisdiction
13 based on agency, stream of commerce, alter ego. That is not
14 the same with respect to the class action Complaint, the
15 consumer class action Complaint, and the third party payor
16 class action Complaint.

17 As you may recall, contemporaneously with the filing
18 of the two class Complaints back in June we filed statements
19 notifying the parties and the Court that if any of the
20 Defendants named in the two class Complaints contested
21 jurisdiction before the transferee Court, that we were prepared
22 to file Complaints against them in the jurisdictions where they
23 are at home, under the theory of general jurisdiction.

24 So, as far as these particular foreign Defendants, who
25 obviously are not based in the United States, our statements

1 filed with the Court indicated that we would file Complaints
2 against them in the states where their U.S. subsidiaries are
3 based, and/or in the District of Maryland where the FDA is
4 based, and where they interacted with the FDA.

5 So, the stream of commerce and the agency and alter
6 ego theory would also apply in the context of the class
7 Complaints, but those Complaints would rest on general
8 jurisdiction alone in the event the Defendants -- any of the
9 Defendants, domestic or foreign, challenge personal
10 jurisdiction, because we advised that we would be happy to go
11 and file in their home states.

12 *THE COURT:* I apologize, I was under the impression
13 that this was all about specific jurisdiction, not general
14 jurisdiction today.

15 *MR. GILBERT:* Under the master personal injury
16 Complaint, you are a hundred percent correct.

17 *THE COURT:* Okay. Before we go forward, let me turn
18 to the Defendants, Mr. Henry to start with.

19 Where does that leave us? I think this was fully
20 briefed on the idea that they would be willing to dismiss all
21 three Complaints for lack of specific personal jurisdiction.

22 *MR. HENRY:* Your Honor, this is Terry Henry for
23 Apotex, Inc. as well as the other foreign Defendants.

24 It is our position, number one, that in its ruling on
25 jurisdictional discovery the Court disposed of the general

1 jurisdiction argument on page two, footnote two.

2 Number one, I think the Court saw it as we did, and
3 Plaintiff did not raise it, this is solely a specific personal
4 jurisdiction question.

5 As to the pleadings themselves, the master personal
6 injury Complaint does not contain an allegation of agency, not
7 even a general shotgun type allegation of agency. There are
8 allegations of agency in the two class Complaints, but again,
9 as the Court pointed out, they are very generalized, with no
10 specific facts that would actually create agency between a
11 foreign Defendant and the U.S. entity.

12 In our view, your Honor, the question is a very narrow
13 one, and that is, what specific jurisdictional discovery are
14 Plaintiffs entitled to, and do their discovery requests exceed
15 the Court's direction or limit it to narrowly tailored
16 discovery? And we are happy to address those three theories
17 which, in our view, the Court did not endorse, and in fact
18 struggled to find that the Plaintiffs pled a prima facie case
19 of jurisdiction, and then only found on a very narrow issue.

20 So, we are happy to address that in more detail.

21 *THE COURT:* I will get to that in a second. It
22 informs my ability to make the discovery decisions if I
23 understand what the underlying jurisdictional theories are.

24 Mr. Klarfeld, do you want to add anything to that?

25 *MR. KLARFELD:* No, sir.

1 *THE COURT:* Ms. Battisti, anything you wanted to add?

2 *MS. BATTISTI:* No, your Honor.

3 *THE COURT:* Let me turn back to Mr. Gilbert. Mr.
4 Gilbert, to the extent your theory is that you can sue these
5 foreign Defendants in the states where they have U.S. based
6 subsidiaries, isn't that just another packaging of an alter ego
7 or agency theory? Just because I have a subsidiary in a U.S.
8 state doesn't subject me to general jurisdiction.

9 *MR. GILBERT:* Your Honor, you are correct. If we go
10 back to -- let's do the state of Delaware, a lot of the
11 subsidiaries are based in Delaware. If we go to Delaware and
12 to one of these foreign Defendants here, because it is based in
13 Delaware, we will have to satisfy -- we will have to show that
14 the U.S. subsidiary is the agent or the alter ego of the
15 foreign Defendant, of the foreign parent, if you will.

16 And so, much like under a specific jurisdiction
17 analysis, we will be looking for information that will
18 establish the same thing.

19 *THE COURT:* Okay. What about the theory that because
20 they have registered with the FDA in Maryland they are subject
21 to general jurisdiction in Maryland?

22 I am not sure I understand that theory. Can you flesh
23 that out for me a little bit?

24 *MR. GILBERT:* There is some authority, your Honor, I
25 believe it is a D.C. Circuit case, I don't have it at my

1 fingertips. It may have been one of the cases Judge Rosenberg
2 cited in her order for the proposition that an entity that
3 registers or submits an ANDA application to the FDA, which is
4 located in Maryland, is subject to personal jurisdiction there.

5 *THE COURT:* General jurisdiction there or specific
6 jurisdiction related to the ANDA?

7 *MR. GILBERT:* I can't answer that question, your
8 Honor. I don't know the answer to that question.

9 *THE COURT:* Okay. Let's turn, if we can, to the
10 specific request that you were kind enough to put in a chart
11 for me. Let's work through the chart together and I will
12 address the issues that each side has raised.

13 Let's start with the interrogatories. I am not sure I
14 am going to rule as I sit here on any of these. I want to hear
15 from you. I may want to take it under advisement. I promise
16 you I will get out a written order quickly if I do take it
17 under advisement.

18 Let's start with Interrogatory Number 1. Before we
19 get to the interrogatories, there is a dispute over the
20 definitions that are contained in the preface to the
21 interrogatories. There is a dispute as to what falls in the
22 bounds of being a related entity for purposes of any discovery
23 that would be permitted. There was an indication that the
24 issue might be moot. I would like to hear that.

25 Let me turn to Mr. Henry.

1 Did you determine whether this is a moot issue or
2 whether this is an issue that is still live?

3 *MR. HENRY:* Your Honor, we believe it may be moot
4 because we don't believe that any of the foreign Defendants
5 have U.S. based entities that are not named Defendants that may
6 have been involved in the marketing, sales, or distribution of
7 Ranitidine. I believe that is a correct fact, and that was
8 essentially the centerpiece of the dispute.

9 Our concern was, the way the definition of related
10 entity was drafted it would require us to produce information
11 about entities that aren't named Defendants.

12 *THE COURT:* Okay. Let me turn to Mr. Gilbert. I
13 think you are still arguing this. If not, you will pass it off
14 to Mr. Maderal.

15 Was your intention here to try to reach other entities
16 that are not named Defendants or were you simply trying to
17 limit it to the named Defendants or some other universe of
18 entities?

19 *MR. GILBERT:* Judge, this is Mr. Gilbert. I am
20 passing the baton for all of the arguments on this written
21 discovery and on the depositions off to Mr. Maderal.

22 *THE COURT:* All right. Mr. Maderal.

23 *MR. MADERAL:* Thank you, your Honor. This is Mr.
24 Maderal.

25 So, this definition is a function of Interrogatory 1

1 where we have asked the Defendants to identify for us any U.S.
2 based entities that are selling their Ranitidine containing
3 products. We believe that all of those are otherwise named in
4 the Complaint; however, it is the intent that if there was
5 another one, another entity that we had not named, that it
6 would be named in response to Interrogatory Number 1 and it
7 would then be included in this definition.

8 *THE COURT:* Okay. Let me hear from Mr. Henry.
9 Anything further?

10 *MR. HENRY:* Just one comment, your Honor. So, we
11 don't object to Interrogatory Number 1 because, even under our
12 narrow view of the Court's order on jurisdictional discovery,
13 we think it would be appropriate to disclose entities to whom a
14 foreign Defendant sold their Ranitidine in the United States.

15 Our objection is that that should not prompt us to be
16 compelled to produce documents and information about unnamed
17 entities. That is our concern.

18 I will say, your Honor, for my client, we don't have
19 any other entities, and I don't believe, on behalf of the other
20 foreign Defendants, that there are other U.S. entities that
21 have not been named.

22 *THE COURT:* Mr. Klarfeld, do you want to add anything?

23 *MR. KLARFELD:* No, your Honor. The only thing I would
24 mention is that there are other foreign Defendants who, based
25 on when they were served, are not included in the Motion to

1 Dismiss, so the discovery would apply to them as well down the
2 road. We don't really know the answer as to this definitional
3 question as it would relate to them.

4 *THE COURT:* If they have an objection, then they will
5 have to lodge their objection when it is timely for them to do
6 so.

7 Okay. Let me respond to the concerns Mr. Henry
8 expressed.

9 Interrogatories and requests for production and
10 depositions have very different buckets, they each have
11 different burdens, each have different costs. Some are blunter
12 tools than others, some are more narrowly tailored and
13 targeted.

14 So, the mere fact that I might order a party to
15 respond to a question is not necessarily going to result in
16 them having to produce any and all documents that prove the
17 answer to that question, or to produce a witness who can
18 testify in support of that question. I will address each of
19 those different forms of discovery separately.

20 If that is your concern, you are not waiving that
21 concern if you are not objecting to Interrogatory Number 1. I
22 understand the positions of the parties and I will incorporate
23 that into whatever order that I enter.

24 Let me turn then to -- I am sorry, I thought I saw --
25 maybe I missed it here. Was there an objection to the time

1 period as to that?

2 MR. HENRY: Yes, your Honor.

3 THE COURT: Mr. Henry, could I put you on hold for a
4 second, please.

5 (Pause.)

6 Sorry about that. My son got a flat tire, so I wanted
7 to make sure he was in the car and on his way home.

8 Mr. Henry, was there an objection to the time frame or
9 am I conflating this with your request for production
10 objection?

11 MR. HENRY: Your Honor, yes, there is an objection to
12 the scope, but it is actually probably best addressed in each
13 question because there are some questions in which we believe
14 the scope is appropriate and others in which it becomes
15 complex.

16 THE COURT: Understood. Okay. Before I leave
17 Interrogatory 1 behind, you are not objecting to Interrogatory
18 1, so I am not going to rule on that in terms of -- okay, I
19 gotcha.

20 Let's turn to Interrogatory Number 2, which relates to
21 the name, place of a corporation, principal place of business,
22 nature of the corporate relationship of these entities.

23 Mr. Henry.

24 MR. HENRY: So, your Honor, number one, I think this
25 is a general jurisdiction type question, and therefore we would

1 object. However, we would agree to answer this interrogatory
2 as of today for a couple of reasons.

3 Number one, when a Court exercises jurisdiction over a
4 Defendant it does it as of how that Defendant sits when it is
5 served with the Complaint, and that would be as of today, or
6 the date that it was served. We are fine disclosing the
7 information as of that date.

8 Specifically, we are looking back over a period of
9 perhaps -- it is 23 years or more for my client given the scope
10 that the Plaintiffs want to set here. This is what I meant
11 about the time period issue. So, that means we would have to
12 go back over 23 years and try to recreate this information for
13 that period of time.

14 I will be candid with the Court, we did not determine
15 if it has changed over a period of time, but it may well have.

16 What makes it more complex, though, is that there
17 could be foreign Defendants in this group or future groups that
18 have acquired entities over time or have combined entities over
19 time, so it becomes a very complex question of, you know, the
20 principal place of business in a corporation over a long period
21 of time.

22 Those are our objections. We are happy to answer it
23 as of the date of our answer to the interrogatory.

24 *THE COURT:* Understood. Let me turn to the
25 Plaintiffs.

1 MR. MADERAL: Thank you, your Honor, this is Mr.
2 Maderal.

3 I want to take issue with two general things and I
4 would like to talk about this specifically.

5 The first is that specific jurisdiction analysis is
6 absolutely not a snapshot in time of the moment of service of
7 the Complaint. That may or may not be true as to general
8 jurisdiction, I have not thought about it. It is not relevant
9 to this right now.

10 Specific jurisdiction is the time period at which you
11 examine specific jurisdiction related to the time period of the
12 events in question that arise from the context as the basis of
13 specific jurisdiction.

14 For instance, to the extent that Mr. Henry's company
15 was selling Ranitidine, let's say from 2010 to 2020, and there
16 were particular Plaintiffs taking it in 2011, 12, 13, whatever,
17 their acts of personal availment that may have predated 2010,
18 applying for ANDA, opening offices, entering into contracts in
19 2009, 2010, 2011, all of that is incredibly relevant.

20 So, as to the concept of specific jurisdiction,
21 logically and rationally it cannot be any other way.

22 I take great issue with this concept that we are only
23 entitled to a snapshot of information temporally speaking from
24 the moment we served the Complaint. That is just not right.

25 Having said that, I also take issue with the idea that

1 this is somehow general jurisdiction only type information. It
2 is not, it is specific jurisdiction type of information. We
3 know that these foreign Defendants were distributing their
4 products throughout the United States using the related
5 entities.

6 Separate and apart from the concepts of agency and
7 alter ego, their direct dealings with these related entities
8 are themselves acts of purposeful availment. They are shipping
9 the finished product into the U.S., into certain locations,
10 they are entering into contracts for the distribution.
11 Separate and apart from agency, alter ego, and any imputations
12 that may flow therefrom, those acts are independent acts that
13 can support purposeful availment.

14 So, it is highly relevant where the related entities
15 were that they were dealing with, the nature of the related
16 entity to them, was it independent, was it not independent, the
17 principal place of the related entity's business over time.
18 So, I think these are highly relevant.

19 In terms of the burden, if we look at these items one
20 by one, first of all, we are only speaking about related
21 entities of which the Defendants have all told you those are
22 just the named U.S. Defendants they believe, except for perhaps
23 maybe one additional related entity if your Honor keeps our
24 definition. So, we are talking about a very limited universe
25 of related entity, we are asking for their names.

1 Even in the case of Apotex, Mr. Henry's client, how
2 much could that entity's name possibly have changed over the
3 last 20 years, and how difficult could it be to determine that
4 and list it? How many times can a place of incorporation have
5 possibly changed in the last 20 years and how difficult can it
6 be to list that?

7 Then it goes to principal place of business and the
8 nature of the corporate relationship with the foreign
9 Defendant, which all we are asking for is subsidiary, parent,
10 indirect subsidiary, commonly held related entity, generic
11 descriptors. That information is simply not hard to get even
12 if the time period is 20 years.

13 *THE COURT:* All right. Thank you.

14 First of all, I agree with your first principle.
15 There is case law that suggests that for specific jurisdiction
16 you will get the entire time period for which the alleged
17 conduct occurred, you don't look at a snapshot. So, I believe
18 that is a correct statement of the law.

19 The last thing you said seemed to slightly narrow the
20 interrogatory in the sense of the nature of the corporate
21 relationship. So, you are not looking for a wimpy narrative,
22 you are just looking for one of those four or five buckets that
23 you just mentioned, subsidiary, indirect subsidiary, sister,
24 brother company, something like that?

25 *MR. HENRY:* Yes. I do think it should indicate the

1 nature of control, is it a wholly owned subsidiary, yes, very
2 sort of generic, no pun intended, but helpful descriptors so we
3 can basically put together an organizational chart in our
4 minds.

5 *THE COURT:* Okay. I understand. I believe one of the
6 objections the other side had was asking for sort of a wimpy
7 dissertation to explain the relationship, so I appreciate you
8 clarifying that.

9 Let me turn back to Mr. Henry.

10 *MR. HENRY:* Your Honor, just a couple of points.
11 Number one, as to the length of time, we object to the length
12 of time with this interrogatory. As I said before, there are
13 some interrogatories in which that length of time would be
14 appropriate, with some modification, and by that I mean
15 Plaintiffs ask to reach back a year before an ANDA application
16 was submitted to FDA.

17 So, let's just take Apotex for example. Our first
18 ANDA was approved in 1997. It is likely that that ANDA was
19 submitted at least a year before that, if not two. That means
20 we have to go three years before 1997, and there is no
21 conduct -- no improper conduct alleged during that period of
22 time, number one.

23 And then, number two, we are now extending that to the
24 present, and that would include a period of time after which
25 the product has been withdrawn from the market. So, it is

1 generally too big of a period, but for this specific
2 interrogatory it is too big of a period.

3 You will see there are discovery requests where the
4 Plaintiffs ask for information about our distribution into the
5 United States. We do think that that period of time from when
6 we began distribution to when we stopped distribution is
7 appropriate, so we do agree with that. But here, we think it
8 is too broad.

9 Again, your Honor, there is one issue that we did want
10 to address, and that is the specific jurisdictional issue here
11 is, and the Court made this expressly clear in its order, did
12 the foreign Defendants have an intent to market Ranitidine on a
13 specific date. That was the holding of the Court that allowed
14 the Plaintiffs to have a prima facie statement of jurisdiction.

15 And so, again, that is why, number one, we think this
16 interrogatory goes to an issue other than that; but number two,
17 even on the issue of agency and alter ego, which are very
18 closely related ideas, even on those two issues the Plaintiffs
19 still must have evidence that either, A, the foreign Defendant
20 directed the marketing of Ranitidine in a specific state or, B,
21 that they were essentially the same entity in marketing
22 Ranitidine in a specific state.

23 So, under any such theory, basically what the
24 Plaintiffs are looking for, under the Court's order, is the
25 same kind of evidence.

1 *THE COURT:* Thank you. I appreciate that.

2 Mr. Maderal, to the extent that these entities are non
3 U.S. entities, maybe subsidiaries that are mentioned or related
4 entities, or even -- foreign Defendants are obviously not U.S.
5 entities. Are you still looking for places of incorporation
6 for them? Because it would seem to me that would be irrelevant
7 to your theory here. If they change their incorporation from
8 India to Pakistan, that does not evince any intent to market in
9 the United States. So, you are looking only for U.S.
10 incorporations; is that correct?

11 *MR. MADERAL:* Your Honor, we would be happy to accept,
12 you know -- we would be happy to -- unless at some point with
13 the U.S. -- I agree, unless at some point it was incorporated
14 in the U.S. by some chance, one of these currently foreign
15 Defendants, we don't need to know whether or not it switched
16 from India to Pakistan, not that that seems likely.

17 *THE COURT:* I understand. What I hear kind of
18 embedded in Mr. Henry's argument is that it is an undue burden.
19 Trying to find incorporation materials in a foreign country
20 could be different from the burden of trying to find them in
21 the United States.

22 If you are not asking for them to go hunt down all 119
23 countries around the world, I think that mitigates any burden.
24 I just wanted to clarify that.

25 *MR. HENRY:* Your Honor, to be clear, we are not in the

1 sake of moving forward, though I have grave concern that if a
2 foreign company opening up its corporate records binder that it
3 keeps in a general counsel's office and making photocopies of
4 that or listing its places of incorporation, which almost
5 certainly wouldn't have changed, is the makings of undue
6 burden, where we might be headed here from Defendants'
7 perspective, but that aside, we are happy to work with them.

8 *THE COURT:* You are happy to give them sort of a list
9 of generic descriptors that they could use to the extent that
10 the nature of the corporate relationship is an issue?

11 *MR. HENRY:* Absolutely.

12 *THE COURT:* Thank you for clarifying that.

13 Let's go to question number 3, list of employees and
14 general responsibilities in the United States.

15 When you say "your", does that incorporate the related
16 entities, Mr. Maderal, or just the specific Defendants?

17 *MR. MADERAL:* No, your Honor, just the foreign
18 Defendants. "Your" is just the foreign Defendants.

19 *THE COURT:* With that clarification, let me turn to
20 Mr. Henry. Do you have an objection to Number 3?

21 *MR. HENRY:* We do, your Honor, and it is in regards to
22 scope, right. So, we think it would be appropriate to disclose
23 to Plaintiffs our employees located -- job responsibilities in
24 the United States related to the distribution, sales, and
25 marketing of Ranitidine in a particular state.

1 Otherwise, number one, we are beyond the Court's
2 finding; and number two, we are getting into issues that would
3 not even be specific jurisdiction outside the Court's orders
4 because the conduct has to be -- or the Plaintiffs' cause of
5 action has to arise out of conduct. So if it is just, you
6 know, any job related responsibility or job responsibility
7 relating to Ranitidine product, that could potentially go
8 beyond the specific jurisdiction. So --

9 *THE COURT:* My question, Mr. Henry, is, what else --
10 other than clerical staff, a person who works on the loading
11 dock at the warehouse, what else is there other than marketing,
12 sales or distribution? What else are you concerned about?

13 *MR. HENRY:* Let's take, for example, your Honor, there
14 could be a quality assurance person, right, that from time to
15 time may work in the U.S., right, and that quality assurance
16 person has overall responsibility for all drug products, right?
17 And so, one drug product could be Ranitidine and, you know,
18 that person's responsibility could be as to whether their label
19 matches the FDA label all the time.

20 So, that is a person potentially related to the
21 Ranitidine product tangentially, but here they are, they worked
22 in the U.S., now we have to disclose them, even though it is
23 not something in the Court's order on sales, marketing, and
24 distribution, and number two, theoretically not even related to
25 cause of action.

1 So, that is our concern. We just would like it to be
2 narrowly tailored.

3 *THE COURT:* Mr. Maderal, I will give you the last
4 word.

5 Mr. Klarfeld, if I have given up calling on you, it
6 seems to me you have deferred to Mr. Henry. If you want to be
7 heard, just speak up. Okay?

8 *MR. KLARFELD:* I appreciate that, your Honor. We're
9 fine.

10 *THE COURT:* Mr. Maderal.

11 *MR. MADERAL:* The question is -- that this is relevant
12 to is the element of specific jurisdiction that the Court --
13 that is an element of specific jurisdiction and one that the
14 Court specified in her order, that is purposeful availment, and
15 the purposeful availment of the United States, the various
16 states in the United States for purposes of distributing a
17 Ranitidine product, and I think it should be lower case d.

18 If they have an employee, the foreign Defendants, who
19 traveled to the U.S. for the purpose of checking quality in a
20 U.S. state in furtherance of distributing Ranitidine in the
21 U.S., that is evidence of personal availment.

22 I think your question was an excellent one, your
23 Honor. It is personal. Who are they carving out? And how can
24 you imagine someone who is an employee of this foreign entity
25 who is working in the U.S. related to an entity who is

1 irrelevant to the question of personal availment?

2 Their whole basis for moving to dismiss personal
3 jurisdiction, and what is clear in the claims of their
4 affidavit, is that they don't do anything in the U.S., it is
5 all these subsidiaries that they have no control over, have
6 nothing to do with. To the extent that they have any employee
7 specifically related -- very narrowly tailored this question to
8 Ranitidine -- related to Ranitidine, doing anything in the
9 U.S., that is highly relevant, your Honor, and it's narrowly
10 tailored.

11 *THE COURT:* I understand. I am going to take all of
12 these under advisement and think about it after I hear your
13 argument. That's very helpful.

14 Let's turn to Number 4, revenues.

15 Mr. Henry, this is your objection, so talk to me.

16 *MR. HENRY:* Yes, your Honor, you are correct, it is
17 revenue. Revenue is not related to this specific jurisdiction
18 inquiry, even under Asahi. Asahi carved out the economic
19 benefit a foreign Defendant might get from its product being
20 sold in a specific state.

21 Number one, the revenue that Apotex, Inc. or any of
22 the foreign Defendants derives from the sale of Ranitidine in
23 the United States is not relevant to specific jurisdiction, and
24 in particular, neither is the U.S. entity, which is the related
25 entity. So, revenues for any period of time is not relevant to

1 a specific jurisdiction inquiry.

2 *THE COURT:* Okay. Mr. Maderal.

3 *MR. MADERAL:* Yes, your Honor, I believe that revenue
4 is in fact relevant. I think it is, first of all,
5 circumstantially relevant to the extent of their contacts with
6 the jurisdictions of the United States, and circumstantially
7 relevant to the amount of goods on an annual basis of
8 Ranitidine in particular that they were distributing throughout
9 the United States.

10 I disagree with Mr. Henry under *Asahi*, the plurality
11 decision there. I do think it is relevant to both the
12 personal availment, as you compare it to the overall revenues
13 of foreign entities you can see what percentage of their
14 revenues are derived from the sale of this product in the
15 United States. And I think it is relevant to compare the
16 relative revenue of the U.S. entity to the foreign entity which
17 really, I think, instructs us as to the independence and the
18 level of control that the foreign entity has over the U.S.
19 entity.

20 *THE COURT:* Okay. I guess my question is, for
21 purposeful availment in the United States, it is purposeful
22 availment in a particular jurisdiction where you are suing that
23 particular Defendant? So, how does a request for kind of
24 general revenue in the United States draw an inference to
25 whether or not you have personal jurisdiction over them in

1 Idaho, Iowa, or Texas?

2 MR. MADERAL: Sure. Let me answer that question
3 several ways.

4 First of all, I think this is an area I will admit
5 where, in an effort to be less burdensome, we took out a
6 request -- we took out a requirement that it be specified state
7 by state, and I think that had -- ironically, had we included
8 that more burdensome request, it might have answered your
9 Honor's concerns slightly better. Let me put that out there.

10 Second, I do think our answer to that is two-fold.
11 This is going to come up repeatedly. One is, even if you read
12 the Acorda decision, I agree that ultimately the specific
13 jurisdiction analysis is state by state. If you read McIntyre
14 and the plurality decision there, they also make the point.
15 However, it is important to realize, your Honor, that McIntyre,
16 for instance, was a case about selling maybe four or a handful
17 more of machine shop equipment.

18 That is not the case here. This is a case about
19 selling tens of thousands of finished product over the course,
20 in the case of Apotex, decades pursuant to multiple approvals
21 by the Federal Drug Administration.

22 What I am getting at, your Honor, is it is possible,
23 and the Acorda Court recognized this, that efforts directed at
24 the United States could be so extensive as to apply to all 50
25 states, and I think that is an incredibly important point here

1 because, at the end of the day, there is truly no dispute that
2 they are not distributing this product throughout the United
3 States.

4 I want to be very clear, when we are seeking United
5 States efforts, when we are looking at communications with the
6 FDA, that is directed at all 50 states, as was, in truth, their
7 efforts, so I think we can discover that information.

8 I also think, even to the extent in a specific state
9 that you might want to look for more specific information, and
10 we do elsewhere in this discovery, I think the overall contacts
11 in the United States are still relevant where you then add to
12 that specific contacts as to a given state. That is a
13 three-part answer that I am going to go back over.

14 One, we are happy to amended this to include a
15 requirement of each state. We didn't do that in an effort to
16 be less burdensome.

17 Two, we think, frankly, that their efforts are
18 directed at all 50 states, and there is nothing in any case law
19 that says that personal availment cannot be so overwhelming as
20 to the United States as to apply to all 50 states.

21 Three, we think that even efforts, we don't reach that
22 threshold, but it's relevant to the entire United States, still
23 goes toward building personal availment otherwise in specific
24 states where you have other specific evidence, if that makes
25 sense.

1 *THE COURT:* It does. Where on the Complaint do you
2 allege personal availment or conduct in all 50 states, other
3 than a conclusory statement that they distribute their product
4 in all 50 states?

5 *MR. MADERAL:* That is exactly where we allege it,
6 which the Court, of course, found was prima facie evidence of
7 specific personal jurisdiction.

8 *THE COURT:* Actually, the Court found that standing
9 alone was not prima facie evidence of personal jurisdiction.
10 That is why I am asking you, what else have you got?

11 *MR. MADERAL:* I guess I am confused by that, then,
12 your Honor, because when the Court found that we had alleged
13 prima facie evidence of specific jurisdiction, including the
14 jurisdiction -- excuse me, including the allegations as to
15 contacts with all 50 states, I assumed that she had found prima
16 facie as to all 50 states. She certainly didn't delineate any
17 specific state.

18 *THE COURT:* Understood. The other thing I want to
19 clarify, you said these Defendants are distributing their
20 product, and I think they would say our product is being
21 distributed in. They will say our product may end up in all 50
22 states, but it doesn't come from us. We give it to an
23 intermediary, who gives it to another intermediary, who then
24 sells it and we don't purposely avail ourselves, and you are
25 saying, no, these people are sending their product into Kansas,

1 Nebraska, and Iowa.

2 Isn't that really where the distinction is here?

3 *MR. MADERAL:* I think I understand your question, but
4 I am not quite sure that I do, your Honor. I apologize.

5 *THE COURT:* I think -- if I am understanding the lines
6 the two parties are drawing, you said it is not really disputed
7 that they were distributing their product in the United States,
8 I think what they are saying is, our product ends up in the
9 United States, we don't dispute that our product ends up in
10 lots of places in the United States, but we don't send it
11 there. We sell it in an arm's length transaction to somebody
12 else and they sell it. So, unless you can show that that other
13 person who is purposely sending it into the United States is
14 our agent or alter ego, you can't get to us.

15 Do you believe that is the line that I have to
16 confront here?

17 *MR. MADERAL:* No. I think it is actually -- if I
18 understand the question correctly, I think it is a little
19 different from that.

20 First of all, unlike in Asahi, and unlike in many of
21 the cases which they rely on, they are manufacturing a finished
22 product in a foreign country designed for the United States on
23 several levels.

24 They are then shipping that product themselves into
25 the United States. They are shipping it -- if they are

1 physically shipping it, sometimes they are drop shipping it,
2 but they are physically shipping it to their wholly-owned
3 nonindependent subsidiary who exclusively distributes that
4 product then throughout the United States, pursuant to
5 agreements and controls which we are seeking to discover now.

6 We, first and foremost, are alleging that they are
7 directly purposely availing themselves throughout the United
8 States, and we are also alleging, to the extent that that is
9 not sufficient for them to be directly doing so, that the
10 actions of the subsidiaries and affiliates are imputed to them
11 by virtue of the doctrines of alter ego and agency, if that
12 makes sense.

13 Our understanding -- this wasn't pled, but our
14 understanding is, for instance, Apotex, Inc., the CEO is a
15 gentleman named Jeffrey Watson in Canada, the CEO of Apotex
16 Corp. in the U.S. is a gentleman named Jeffrey Watson. This is
17 how closely related these entities are. To put it bluntly,
18 this is a farce that they have created exactly for this
19 purpose.

20 *THE COURT:* Where would I find those facts in the
21 Complaint? That is question one. Question two is, if you know
22 all of that, and under Rule 11 you can plead all of that, why
23 do you need more discovery?

24 *MR. MADERAL:* That is one fact that I told you, your
25 Honor, an overlapping CEO.

1 *THE COURT:* You told me a bunch of facts. You know
2 this, and you know that, and you know the other thing. If you
3 know all of that, why do you need more discovery?

4 *MR. MADERAL:* If you want to accept my personal
5 testimony of my sense of things from reading the pleadings, I
6 think that would be great. We need discovery because they have
7 filed affidavits and created an issue. We know enough, your
8 Honor, to know that this isn't a fishing expedition, but we
9 don't know enough to have evidence that we can put into court.

10 *THE COURT:* Again, Mr. Maderal, if you are telling me
11 this is a fact, as you just did, and that is a fact and this is
12 what they are doing, I assume you are telling me that because
13 you have evidence to support it, not that it's your personal
14 opinion based upon supposition, and conclusion based upon your
15 best guess.

16 Do you have evidence to support everything that you
17 just told me, or do you not?

18 *MR. MADERAL:* Yes, we have some evidence.

19 *THE COURT:* Okay. That is not pled, however.

20 *MR. MADERAL:* Correct.

21 *THE COURT:* Okay. If it is in the Complaint, I want
22 to make sure I read it. That's all.

23 *MR. MADERAL:* The evidence in the Complaint is what
24 the Court cited when she found that there was a prima facie
25 case. Some of the additional evidence that we are aware of are

1 what we put in our joint submission, for instance the facts
2 that we found in the FDA database. Of course, we can peruse
3 websites and see the names of CEOs of different companies.
4 Those are some things we can see.

5 The evidence that we can't really see, the evidence we
6 are seeking here are what is precisely the contracts entered
7 into between the U.S. subsidiaries and the foreign parents? We
8 can't see what are the exact amount and quantity of drugs
9 shipped into the U.S. and the exact amount and quantity entered
10 into the various states, who exactly are they selling to, where
11 exactly are they shipping to.

12 All the real details that we would need to sort of
13 fill in the broad stroke understandings that we have that make
14 this not a fishing expedition, but that really is our burden to
15 show at a hearing. We are very confident about the broad
16 strokes, but we do need the evidence to fill this in.

17 *THE COURT:* I hear you. I understand the argument.

18 Let's move to Number 5 now.

19 Mr. Henry, let me turn back to you. I think there may
20 have been a compromise proposal here.

21 *MR. HENRY:* Your Honor, just to touch on what you said
22 during the discussion before, the Court did find there was
23 evidence of the general intent to market to the United States.

24 What the Plaintiffs have here is to find evidence that
25 the foreign Defendant had an intent to market their Ranitidine

1 containing product in a specific state.

2 For Number 5, we don't object to producing or
3 answering this interrogatory about the entities to whom we sold
4 Ranitidine containing products over the period of time that we
5 marketed -- or that we sold them into the United States. That
6 is not objectionable.

7 What is objectionable is that we produce that
8 information also from our related entities, because that is
9 exactly why our U.S. entities were established, was to
10 commercialize and to distribute Ranitidine and other drug
11 products in the United States. So, that part of the inquiry is
12 not relevant to the specific jurisdiction question.

13 And by the way, that information is contained within
14 the ANDAs that we produced. In fact, I went back through today
15 several examples of every annual report that we provided to the
16 FDA related to each one of the ANDAs, and we include in there a
17 list of not only, you know, the form, the dose, but in some
18 cases actually the sub-distributor to whom the Ranitidine
19 containing product was distributed.

20 Much of this information already sits in the
21 Plaintiffs' possession as part of the core discovery agreement,
22 but as to what the four Defendants shipped to the United
23 States, we would agree with that.

24 *THE COURT:* Okay. My question -- I am going to expand
25 it slightly because in reading the declarations by the foreign

1 Defendants, a couple of them kind of mention we ship to a third
2 party distributor, we ship to a warehouse in Kentucky, or
3 something like that.

4 Are you agreeable to identify whoever those entities
5 are that each of you identified in your own declarations, maybe
6 not by name, but flushing out for the Plaintiffs who the
7 entities are and where they are? You do not object?

8 *MR. HENRY:* No, your Honor. If it comes from the
9 Defendant to the United States, that is our linkage, and that
10 is information to which Plaintiffs are entitled.

11 *THE COURT:* So, you don't object to identifying
12 anybody that the foreign entities dealt with directly in the
13 United States, it is just anything down stream from that is
14 where your objection lodges.

15 *MR. HENRY:* Correct, your Honor.

16 *THE COURT:* Let me here from Mr. Maderal.

17 *MR. MADERAL:* Thank you, your Honor. So, on the one
18 hand, they are saying you need evidence of a specific state,
19 and on the other hand, they are saying we will not give you the
20 nonpublic evidence about where this product goes on a
21 state-by-state basis, and so that is why we need the down
22 stream.

23 We are alleging that they are using these related
24 entities indirectly to distribute their product, which is
25 something that is considered in Asahi. It is also something

1 that is an important distinction from McIntyre. If you read
2 McIntyre, they cite three facts, and I think fact number one is
3 that it was an independent distributor.

4 Well, we know that these are not independent
5 distributors, so the chain of distribution past the
6 nonindependent distributor is critically important. That is
7 what gives us the topography of the commerce. That is what
8 gives us the context in the different states, the specific
9 information that they are going to claim later that we are
10 lacking.

11 So, it is not only fundamentally unfair for them to
12 refuse to give us this now, it is also why it is highly
13 relevant information.

14 Another thing that I -- I think it is timely to point
15 out, I heard several times a discussion about the Acorda
16 Therapeutics case that the Court cited, and that the ANDA was
17 insufficient without the evidence of the intent to distribute
18 in a specific state.

19 I would like to say two things. First of all, I would
20 like to acknowledge many times this is a state-by-state
21 inquiry, and we do need evidence of contact with specific
22 states, which is exactly why we need this information in
23 Interrogatory Number 5.

24 Nonetheless, I do think it is important to point out
25 that Acorda Therapeutics was a patent litigation. The

1 distinction in Acorda Therapeutics is that even though Mylan
2 had the ANDA, which made it subject -- which made it subject
3 ultimately to jurisdiction in Maryland because of its intent to
4 market in Maryland, the reason the Court was so focused on this
5 concept of intent was because Mylan hadn't even started
6 manufacturing the drug at issue then. There was no stream of
7 commerce. They had not shipped product anywhere, much less
8 into the State of Maryland. In fact, the Court still found
9 specific jurisdiction in Maryland because of its intent.

10 I point that out only to remind the Court how starkly
11 this situation contrasts with that in Acorda. Here, we know on
12 a general level that the Ranitidine is, in fact, going
13 everywhere.

14 What we are asking for is specific evidence of the
15 quantity and the location, and we need that evidence, your
16 Honor.

17 *THE COURT:* Okay.

18 *MR. KLARFELD:* Your Honor, this is Joshua Klarfeld.
19 Your Honor, if you look at the request, it asks for information
20 relating not only to the foreign entities, but also to
21 the related entities. That is completely circular here. If
22 the information is within the foreign entity's possession, then
23 we can understand how that is relevant to the jurisdictional
24 inquiry.

25 If it is not even in their possession, then it doesn't

1 go to alter ego, it doesn't go to agency, because it is
2 actually evidence of exactly the opposite. If it is not in the
3 foreign Defendant's possession they should not be asked to
4 produce it here.

5 *THE COURT:* This is the interrogatory. If the answer
6 to the interrogatory is, we don't know what they did once we
7 sold it to them, then that is the answer to the interrogatory.

8 *MR. KLARFELD:* I appreciate that. The way it is
9 worded, then it would actually appear to put a burden on us to
10 answer not only for the foreign entity, but for the U.S.
11 entity. Our position here is, if it is limited to the foreign
12 entity, that would not be objectionable. If it requests the
13 U.S. entity information as well, that is where we have an issue
14 with it.

15 *THE COURT:* Understood. Okay. There is a question
16 that Mr. Maderal assumed, which is whether in fact these are
17 independent arm's length third party entities or whether they
18 are, therefore, agents or alter egos or they are independent
19 third party entities. If they are independent third party
20 entities, presumably you don't have possession, custody, and
21 control of their records and can't answer interrogatories and
22 can't produce production; if they are alter egos or agents,
23 then presumably you can.

24 *MR. MADERAL:* Your Honor, if I may, I do think that
25 the analysis under the Rules of Discovery, the Federal Civil

1 Rules of Procedure, is slightly different for possession,
2 custody, and control. Putting aside substantive allegations of
3 agency and/or alter ego, and I will give your Honor a case,
4 possession, custody, and control would always include a
5 wholly-owned subsidiary. So, for instance, a parent always has
6 possession, custody, and control of a wholly-owned subsidiary;
7 oftentimes also affiliates that have overlapping directors or
8 common control, though that is a slightly different analysis.

9 So, I would actually argue that it is not circular,
10 particularly in a case of a wholly-owned subsidiary. Whether
11 it is in an interrogatory, if they have access to the
12 information because they are a wholly-owned subsidiary, then
13 they actually are obligated to answer the question on their
14 behalf.

15 The cite I have for that, your Honor, is 85 Federal
16 Rules Decision 257, and it is also -- I like to find a case
17 that supports a point and then I like to step back and think
18 about it and it clearly makes sense.

19 Just because a document or a piece of information, if
20 it happens to be in the custody of the wholly-owned subsidiary
21 does not carve it out from the responsibility of a parent in
22 terms of discovery.

23 *THE COURT:* I have not dealt with it in this specific
24 discovery. I have dealt with it in the -- with third parties,
25 bank accounts and things like that, where you have a legal

1 right to subpoena from a third party, and the case law is that
2 is in your possession, custody, and control even though they
3 are not your legal alter ego.

4 I hear you. I understand the concept. Thank you for
5 giving me the citation.

6 Let me move to Number 6: Anybody communicated with
7 the FDA on your behalf.

8 Other than Maryland, Mr. Maderal, how does that get
9 you personal jurisdiction anywhere other than Maryland?

10 *MR. MADERAL:* I know that Mr. Gilbert has spoken about
11 a theory regarding general jurisdiction, but again, we believe
12 that the communications with the FDA for the purpose of
13 designing a product for the United States that you then sell to
14 the entire United States is evidence of purposeful availment in
15 terms of claims arising from that product.

16 Even if -- and I don't stipulate to this -- but even
17 if something more is needed in each particular state, that is a
18 strong foundation, a strong quantum of evidence that gets you
19 99.9 percent of the way there, and there are three areas in
20 which these companies would have potentially interacted with
21 the FDA in order to sell their product here. Ms. Goldenberg
22 touched on it.

23 The first is, when they have a manufacturing facility
24 in a foreign country, if they want to make pharmaceutical
25 products that can be marketed in the United States, then they

1 need to register that manufacturing facility with the FDA. So,
2 we are looking to see if they have departments or individuals
3 who are in charge of dealing with the FDA on behalf of their
4 manufacturing facilities.

5 The second is, of course, then if you want to market a
6 particular drug in the United States and be responsible for it,
7 you have to apply for an ANDA. So, we are also looking for
8 individuals who would have been responsible for communicating
9 with the FDA as it relates to ANDAs.

10 The third, which we know from public record, the FDA
11 website applied to Cadila, even if you are not the ANDA holder
12 and you want to market a drug that you are not the ANDA holder
13 for, you can then apply to be a labeler of that drug. That
14 labeler status is tied to a specific ANDA, and that allows you
15 to put your brand on that drug that is manufactured under the
16 responsibility of a different ANDA holder at a different
17 facility, and you again have to apply to the FDA for that.

18 So, we are looking to see if they have individuals and
19 departments that are set aside for the purpose of dealing with
20 the FDA for the purpose of designing drugs for the 50 United
21 States of America, and for the purpose of distributing and
22 marketing those drugs, and specifically Ranitidine, in the 50
23 United States of America.

24 *THE COURT:* Where in the Complaint is any of this
25 alleged, this relationship with the FDA for personal

1 jurisdiction?

2 *MR. MADERAL:* This is not a basis, I would say, your
3 Honor, for personal jurisdiction. The basis for personal
4 jurisdiction is the fact that they are distributing these
5 products. This is the evidence that supports our basis.

6 We certainly did not delineate a Bill of Particulars
7 of evidence that we hope to find in our Complaint. We are now
8 seeking evidence that supports our theory of specific
9 jurisdiction.

10 *THE COURT:* Right. That is why I am probing you.
11 Where is it pled that your specific jurisdiction theory is that
12 if I communicate with the FDA you create specific jurisdiction,
13 or are you simply arguing that the fact of communicating with
14 the FDA is evidence of purposeful availment in the State of
15 Maryland?

16 *MR. MADERAL:* We are arguing that it is evidence of
17 personal availment, and I believe that that is precisely what
18 Judge Rosenberg found when she found that the allegation of
19 holding the ANDA tipped the scale, together with the other
20 allegations in terms of creating a prima facie case.

21 So, in terms of where we allege a theory is in the
22 exact allegations that the Judge found, we allege a theory of
23 specific jurisdiction and this is evidence which was precisely
24 recognized by the Court in the form of the ANDA, which is
25 evidence of purposeful availment.

1 I think that there are two other forms of this same
2 type of purposeful availment in the facility registration and
3 the labeler application.

4 *THE COURT:* Thank you, Mr. Maderal.

5 Let me turn back. Mr. Henry, any last word?

6 *MR. HENRY:* Yes, your Honor. Number one, the Court
7 decided the purposeful availment in Maryland, and the Court
8 specifically said that because holding the ANDA is evidence of
9 a generalized intent to market in the United States. That's
10 one.

11 Number two, none of Plaintiffs' claims arise out of
12 the foreign Defendants interacting with the FDA. They are
13 regulatory activities for manufacturing, for obtaining ANDA, or
14 even for registering as a labeler. There are no claims
15 connected to any of those activities, so even if that could be
16 construed as the jurisdictional hook sort of, it is not related
17 to any of these claims.

18 So, any activity with the FDA can't provide a basis
19 for jurisdiction here, and in particular, we go back to the --
20 it has nothing to do with the foreign Defendant's intent to
21 market in the United States.

22 For brevity, I think the Court can handle Number 6 and
23 7 together because our argument is the same for both.

24 Your Honor, I wanted to address this when we were
25 talking about 4 and 5, and this idea of -- or the implication

1 that these foreign Defendants are using their U.S. entity as a
2 shell, right.

3 So, number one, we are not aware of any case in which
4 a Court pierced the corporate veil or found alter ego where it
5 was a brother/sister relationship.

6 Every case that we reviewed, particularly Delaware and
7 New Jersey law, which is appropriate here (inaudible) -- we
8 have some foreign Defendants here who have U.S. entities that
9 are brothers and sisters, not a parent subsidiary, so that is
10 the first hurdle Plaintiffs have to get over to pursue the
11 alter ego theory.

12 The second one is, both under Delaware and New Jersey
13 law, there is a very high hurdle to establish that the entities
14 are one in the same, not just close, but actually one in the
15 same, and they are one in the same for purposes of avoiding
16 some kind of bad outcome or conducting some kind of fraudulent
17 activity. None of that has been pled.

18 And, by the way, the Courts found that those
19 generalized allegations were not sufficient for purposes of
20 jurisdictional discovery.

21 I just wanted to make that note on those, but that is
22 our position. Thank you, your Honor.

23 *THE COURT:* Thank you. Mr. Maderal, anything else? I
24 didn't combine 6 and 7, but it is basically the same argument.
25 Anything else you wanted to add on 7?

1 MR. MADERAL: Yes, I wanted to clarify several things.
2 One is the Court -- the District Judge found that we had pled a
3 prima facie case of personal jurisdiction and authorized us to
4 conduct jurisdictional discovery at least to the non-Cadila
5 Defendants. So, we believe that we are well within our plead
6 ability to seek jurisdictional discovery.

7 I want to be very clear about our position on the
8 applications and the communications, the fact of communication
9 and the fact of seeking approval of the FDA.

10 That is the -- the centrality of that to our personal
11 jurisdiction analysis in terms of evidentiary need cannot be
12 over stated and, frankly, I think that if applying for -- with
13 a U.S. Government agency to get a specific product approved to
14 the standards of -- that apply in the 50 United States, to get
15 approved on the labeling that applies in the 50 United States,
16 to get approved to distribute into the 50 United States, to
17 label it specifically with MBD codes for the United States, if
18 that is not evidence of purposeful availment for purposes of a
19 specific jurisdiction analysis, I simply do not know what is
20 evidence.

21 There is no case, not Asahi, not McIntyre, none of
22 these cases discuss facts as powerful as that, your Honor, for
23 purposes of specific jurisdiction and purposeful availment.

24 Now, to say that the claims do not arise from the FDA
25 applications is simply nonsensical. Obviously the claims arise

1 from the defect in Ranitidine that causes cancer.

2 The question is, when their product entered the United
3 States and reached the Plaintiffs, what, if anything, have they
4 done to purposely avail themselves of that? Reaching out to,
5 applying, responding to the FDA which regulates --

6 *THE COURT:* Mr. Maderal, don't you have the ANDA file?

7 *MR. MADERAL:* Your Honor, we do have the ANDA file as
8 to some of these. Of course, to the extent that they believe a
9 document answers a question, they can simply say, see Bates
10 numbers 1, 2, 3, 4. If this is simply about the fact that we
11 already have it to some extent, they can say, see what we
12 produced to you, ANDA file Bates numbers 1 through 7.

13 What we don't have is, we don't have labeler
14 applications, which is the second set. We do not have the
15 documents that they would have sent -- and we have sort of
16 moved on to the RFP here. We do not have the documents that
17 they would have sent to get approval for their facilities to
18 manufacture. That is separate from the -- not only the ANDA
19 application, but it is actually three times as strong as that.

20 There are two other avenues with which they are
21 dealing with the FDA that are independent avenues, but are all
22 equally acts, separate acts of purposeful availment, so we
23 don't have those.

24 I absolutely agree, your Honor, to the extent that
25 they have already given us the document, this is an easy

1 discussion, all they have to do is answer and say you have it,
2 here is the Bates range.

3 And if they believe that the answer to an
4 interrogatory can be found as to a document they want to
5 produce to us newly or that they have already produced to us,
6 Rule 33(d)(2), I believe, allows them to reference that
7 document.

8 You are right, your Honor, but respectfully, I don't
9 believe the fact that we already have a document that either
10 helps to answer an interrogatory or is responsive to an RFP is
11 a basis for objecting to it, particularly where we are asking
12 for additional documents.

13 *THE COURT:* All right. You don't get cumulative
14 evidence, you don't get disproportional evidence. I have a
15 District Judge who told me that discovery should be narrowly
16 tailored. I am trying to figure out if it is cumulative, do I
17 ignore it. I agree with you, if they have an answer, and the
18 answer is, go look at something you have already got, it is not
19 burdensome to say that. I hear you.

20 Let's turn to the request for production.

21 Number 1. Mr. Henry, you say there is no dispute over
22 1, 2, 3. Am I correct about that?

23 *MR. HENRY:* 1, 2, 3 I think we can handle together.
24 It is simply the time frame again. While we don't think these
25 are necessarily relevant to specific jurisdiction inquiry, we

1 would agree to answer these as of the date of our answer. That
2 is relatively readily available information.

3 *THE COURT:* So, what is your legal objection, undue
4 burden, disproportionate, it's irrelevant? What is the legal
5 objection?

6 *MR. HENRY:* It is irrelevant to the specific
7 jurisdiction inquiry and that it's not proportional to the
8 issue being litigated.

9 *THE COURT:* Okay. All right. Mr. Maderal.

10 *MR. MADERAL:* Thank you, your Honor. I will address 1
11 and 2. I don't think either one of those are tremendously
12 burdensome. Even a company that, let's say, has been in
13 existence for 20 years, you know, that company probably -- for
14 instance, its board of directors, there is probably a filing
15 with a Secretary of State somewhere that they have filed every
16 year for probably 20 years, two pages that they could produce
17 to us to show the board of directors.

18 What we are looking for here -- and as I said, we have
19 some indication for one of them on a website, but we don't have
20 all the evidence we need. What we are looking for here are
21 overlapping directors, overlapping executives, directors who
22 are listed on the U.S. entities, but actually are based out of
23 addresses in a foreign country, to show this lack of
24 independence that is going to be relevant to personal availment
25 and the corporate records, including Articles of Incorporation,

1 which will show us who was it that incorporated these entities,
2 so we can see that there was not independence if it was the
3 parent foreign Defendant corporations. So, we think these are
4 highly relevant.

5 Obviously, the time period, what is in fact the case
6 as of right now, or as of the moment we served, really doesn't
7 tell us anything in terms of the Ranitidine they are
8 distributing through these related entities in 2010, 2009. I
9 think the time period is critical. We keep using Apotex, it is
10 the extreme example. For some of these entities it is only a
11 couple of years, and I don't believe it is burdensome.

12 As to number 3, your Honor, to the extent that your
13 Honor is going to have them answer Interrogatory Number 2 where
14 they are explaining the nature of the relationship, I would be
15 happy to rely on that in a show of good faith, not to create
16 unnecessary work for them, sort of withdraw 3 so we can get a
17 sense of it from their description and verified answer to
18 Interrogatory 2, which is the nature of the relationship
19 between the related entity and the parent.

20 *THE COURT:* What about 1; doesn't 1 overlap with
21 Interrogatory 1? Why do you need a corporate record?

22 *MR. MADERAL:* Well, it does not overlap because the
23 definition of corporate record is going to include things like
24 the Articles of Incorporation or the membership agreement which
25 may show us control that -- that may show things like control

1 that the parent entity has over the affiliate entity and show
2 us who did the incorporating.

3 *THE COURT:* I'm sure there are a lot of things you
4 would like them to show you. Let me ask you this question.
5 You alleged in the Complaint that these are alter ego entities,
6 correct?

7 *MR. MADERAL:* Correct.

8 *THE COURT:* Okay. What facts did you have before
9 filing the Complaint to allow you to reach that conclusion and
10 make that allegation in good faith?

11 *MR. MADERAL:* Well, your Honor, if I may, what I think
12 that you are --

13 *THE COURT:* All I can see in the Complaint is they are
14 a subsidiary. That in and of itself does not rise to the level
15 of something being an alter ego or agency relationship. You
16 don't get to make a bare bones conclusory legal conclusion.
17 You can't file a Motion to Dismiss on personal jurisdiction
18 grounds and then try to drive a truck through their motion to
19 try to get all the discovery that you didn't have when you
20 filed your Complaint in the first place.

21 That is what I am trying to understand. What evidence
22 did you have when you filed the motion in the first place?

23 *MR. MADERAL:* Your Honor, it is a large PSC, I don't
24 know as I sit here today that I have available every piece of
25 evidence that went into every allegation.

1 I think what your Honor is setting up is something I
2 would push back on a little bit. It is a question of, if you
3 alleged it, you must have had a basis that allowed you to under
4 Rule 11, or you have done something that violates Rule 11.
5 Therefore, if you have the basis, you have no need for
6 discovery.

7 I push back on that, your Honor. The Rules of Civil
8 Procedure presume you have a basis for allegations, and go on
9 to presume that you have a need for discovery to support those
10 allegations. So, I do think that there is a lot of daylight
11 between the evidence that you need to support allegations in a
12 Complaint and then needing to follow up with evidence to
13 support those allegations at a hearing or at a trial.

14 *THE COURT:* I agree with that, but I also think the
15 case law is very clear that you can't just allege conclusory,
16 summary, legal conclusions and get jurisdictional discovery.
17 Judge Rosenberg used the word particularity or specificity in
18 her order. The Eleventh Circuit cases talk about particularity
19 and specificity of the allegations in the Complaint as a
20 predicate to get any jurisdictional discovery.

21 That is why I am keep probing you to point me to
22 something in the Complaint that is more than just a conclusory
23 statement that these are legal alter egos other than based on
24 the fact that they are subsidiary. You don't even get to any
25 jurisdictional discovery until you get over that hurdle.

1 *MR. MADERAL:* Sure. That is the hurdle that Judge
2 Rosenberg held in her order referring this matter to be
3 cleared.

4 *THE COURT:* Not as to Cadila.

5 *MR. MADERAL:* That is correct, your Honor, not as to
6 Cadila.

7 *THE COURT:* I will ask you again, point me to
8 something in the Complaint that is more than a conclusory
9 allegation that these are parents of subsidiaries and therefore
10 alter egos or agents of each other.

11 *MR. MADERAL:* In the Complaint, your Honor --

12 *THE COURT:* You have more pages in your Complaint than
13 Moby Dick. Point me to a paragraph, any paragraph that gives
14 me a fact in support of that allegation.

15 *MR. MADERAL:* Your Honor, as I sit here today, other
16 than the fact that they are -- the inference, the reasonable
17 inference that can be drawn from the fact that these companies,
18 many of which are co-branded with the same name, are the agents
19 for purposes of their -- excuse me, the agents are for purposes
20 of their ANDA, are in fact selling, distributing and/or
21 marketing the product created by the foreign Defendant.

22 All of the facts -- I am doing this from memory, not
23 having all three of these Moby Dick size Complaints, as you
24 point out, your Honor, in front of me. I do think that all of
25 those facts together create an inference.

1 I would like to come back to what, I think now
2 mistakenly, I assumed was the most vanilla and bland request
3 for production, which was the corporate records of an entity,
4 and point out this is not based solely, your Honor, on the
5 theory of alter ego, which is probably the most extreme
6 example, the most difficult showing I would admit, but it is
7 also relevant to the much easier fact of agency, and I would
8 say just generally relevant evidence of personal availment.

9 I would like to come back to where I started at the
10 beginning of this hearing when I pointed out that it is not
11 just agency and alter ego that we are relying on. If you look
12 at the cases of personal jurisdiction, Asahi and McIntyre,
13 which talk about the fact that the distribution was being done
14 by independent distributors, we cite that provision in Asahi in
15 our joint submission.

16 It is relevant to the sort of direct specific
17 jurisdiction analysis separate and apart from agency and alter
18 ego that -- for purposes of purposeful availment that a foreign
19 Defendant is working with a subsidiary or affiliate that they
20 are closely related to and exclusively dealing with their
21 product.

22 So, I think these records are relevant to show the
23 nonindependent, more of a totality of the circumstance type
24 test that the Courts do employ, at least the Supreme Court of
25 the United States has, under the specific jurisdiction

1 analysis.

2 *THE COURT:* I understand. I have read those cases and
3 I read Judge Moreno's decision in the Takata air bag litigation
4 as well where he makes very clear you need more than bare bones
5 allegations. I hear you.

6 Let me turn back to Mr. Henry. Do you have any other
7 responses to 1, 2, and 3?

8 *MR. HENRY:* No, your Honor.

9 *THE COURT:* Okay. Let's go to number 4. Mr. Henry,
10 again, it seems like your response is, if it can be limited,
11 there is no dispute.

12 *MR. HENRY:* Yes, your Honor, that is right. Again, we
13 think this goes directly to the intent to market or distribute
14 in a state. To the extent that there are agreements between a
15 foreign Defendant and the related entity in the United States
16 for the marketing, sales, and distribution of Ranitidine
17 containing product, that is relevant and that is what we agree
18 to produce.

19 Otherwise, agreements is pretty broad, it is overly
20 broad and, for example, for a company like Apotex, over a
21 period of 20 plus years, that is overly burdensome.

22 *THE COURT:* Okay. Mr. Maderal.

23 *MR. MADERAL:* In terms of the agreements, your Honor,
24 again, this is one of those issues, and this kind of keeps
25 coming up, which is the time period becoming burdensome, and I

1 understand that it is more difficult the larger the company.
2 At the same time, the more agreements there are -- and we have
3 very narrowly tailored this. There was an argument to be made
4 that any effort to shipping pharmaceutical products is relevant
5 evidence and we decided to narrowly tailor this to Ranitidine.

6 But the more agreements they have relative to
7 Ranitidine, the more evidence that is of their purposeful
8 availment, and we are very clear to sort of try and carve out
9 purchase orders because, you know, we didn't want to create
10 unnecessary burden.

11 We have asked Mr. Henry, you know, can you give us a
12 sense, are there truly 300 agreements? Were they entering into
13 an agreement every month for 20 years? Or was there one
14 strategic agreement entered at the inception and in place ever
15 since?

16 You know, I think that that is an objection of Mr.
17 Henry's that needs a little more meat on the bone. We don't
18 want to seek discovery for discovery's sake.

19 If he can tell us that there -- or can tell the Court
20 that there are hundreds of agreements or countless agreements,
21 then, you know, we are willing to work something out. Without
22 more, it seems to us all the agreements over all that time are
23 going to be relevant.

24 *THE COURT:* Okay. Thank you. I understand.

25 Mr. Henry, any last word on that?

1 MR. HENRY: Just to the issue of whether or not an
2 agreement is purposeful availment. I think Plaintiffs continue
3 to miss the second part of the specific jurisdictional
4 analysis, which is the Plaintiffs' claim has to arise out of
5 that conduct. Just because there is an agreement between a
6 foreign Defendant and a U.S. entity does not mean it is
7 relevant for purposes of specific personal jurisdiction.

8 THE COURT: They did cast a pretty wide net in their
9 Complaints. They basically allege from the time your clients
10 went into business until today they have been engaging in bad
11 behaviors that create liability in pretty much everything they
12 have done in the last 22 years, right?

13 MR. HENRY: No, they are not, their claims are limited
14 to manufacturing, which Apotex did in Canada, and our
15 representation about Ranitidine itself, and whether we should
16 have disclosed, you know, NDMA being a drug.

17 So I would say, number one, no, because there are a
18 variety of activities that a foreign Defendant could do
19 (inaudible) --

20 The second part of that is, again, if we go back to
21 the issue on which the Court has permitted the Plaintiffs on
22 personal jurisdictional discovery, it is related to intent to
23 market Ranitidine containing product in the state.

24 If we limit it to agreement related to distribution,
25 sales, marketing Ranitidine containing product, then that is

1 directly related to the specific jurisdiction issue.

2 *THE COURT:* You do not object to the first clause, it
3 is the second clause to which you object?

4 *MR. HENRY:* We are fine with the first clause as far
5 as sales, distribution, marketing, and I'd even include
6 importing. Again, regulatory approval goes a bit beyond the
7 specific jurisdictional issue that we talked about here.

8 *THE COURT:* Thanks for clarifying that. You do object
9 to the second clause, which is control over the related entity?

10 *MR. HENRY:* Correct, your Honor.

11 *THE COURT:* Let's turn to number 5. Mr. Maderal --
12 Mr. Henry, what is the objection? 8 to 11 you were kind enough
13 to lump into one big objection.

14 *MR. HENRY:* None of these requests for production of
15 documents are related to the narrowly tailored issue of
16 specific jurisdiction, they are related to other issues and may
17 touch on merit issues.

18 *THE COURT:* Okay. Mr. Maderal. I can understand the
19 argument as to why these might be relevant to show the
20 relationship between the foreign entity and domestic entity, to
21 show there are closer ties than arm's length. I get that.

22 Doesn't there come a point when some of these requests
23 get a little too remote from the core issues that we are
24 dealing with here?

25 *MR. MADERAL:* Not if the core issue is the control of

1 the foreign Defendant over the relationship and lack of
2 independence between the foreign Defendant and the U.S.
3 subsidiary.

4 I am sensitive to the fact that -- again, I understand
5 that sometimes -- I don't think I am shocking the Court or
6 anyone here, sometimes lawyers have used discovery for the
7 purpose of inflicting pain. I assure you we have no interest
8 in that, we simply are looking for the evidence to support
9 personal jurisdiction, and I don't mean in the fishing sense of
10 the word.

11 We have given you some of the broad strokes
12 understanding we have of the way -- and a good faith basis of
13 the way that these entities are set up from the fact that they
14 have the same name and there are exclusive employers and
15 distributors, they are holding on to affiliates, the one with
16 the same CEO.

17 So, I think we are well within the universe of
18 non-fishing, and what we are looking for is the specific
19 evidence that we can then attach to a filing if Judge Rosenberg
20 is going to determine this on the papers, or introduce at a
21 hearing if she is going to have an evidentiary hearing, and
22 these are meant to be narrowly tailored.

23 I am happy, if they have specific concerns, to, you
24 know, with the aid of the Court, tailor them even more, but
25 these are precisely the type of information that is classic

1 personal jurisdiction discovery when you are looking at an
2 agency relationship or an affiliate distribution nonindependent
3 situation.

4 I mean, in fact, I am looking at the Fifth Circuit's
5 decision right now, *In Re: Chinese Manufactured Drywall*, 753
6 F.3d 521, and under the heading of amputation and due process,
7 which was an agency analysis under due process, the subheadings
8 are, you know, the creation of the subsidiary, parent employee
9 sitting on the board of directors of a subsidiary,
10 capitalization, staffing and dealing with a subsidiary, and
11 these are the classic pieces of evidence that you look for.

12 *THE COURT:* As I said, I am not trying to dissuade you
13 that this is relevant. Relevance is only the first hurdle I
14 have to deal with. I wanted to give you a chance to address
15 that, and you have.

16 Let me turn back to Mr. Henry.

17 *MR. MADERAL:* Your Honor, I apologize, if I may add
18 one thing in case it slipped your Honor's notice. We were very
19 careful, and I was personally very careful, that we are saying
20 documents sufficient to show. I took very much to heart in the
21 last hearing your Honor's opinions on any and all, and I sat
22 down -- personally I sat down and I thought, I don't want to do
23 any and all. In my mind, and I may come to regret what I am
24 about to say, but that is somewhat subjective and sort of in
25 the control of the responding party to some extent.

1 So, I do hope your Honor is sensitive to the effort we
2 put there, particularly with the verbiage "document sufficient
3 to show," that we are not asking for any and all, we are not
4 asking to create a lot of work for them that is not necessary.
5 Just give us something that helps us understand this facet of
6 your business.

7 *THE COURT:* Thank you, Mr. Maderal, I complement you
8 on that. To be clear, don't take any comments I made or any
9 questions I ask you as a suggestion I don't believe everything
10 you are doing in this matter is in good faith, and that these
11 requests were all made in absolute good faith with a belief
12 that they are relevant and proportional. If you have gotten
13 any suggestion to the contrary, please let me clarify that is
14 not my feeling at all.

15 I have an obligation to ask the questions and try to
16 understand the positions. I sometimes have to ask a hard
17 question so I can give you the opportunity to answer it, not so
18 much I feel good about asking the question, but if it popped
19 into my brain that you have a fair chance to answer it.

20 I hear you.

21 *MR. MADERAL:* Of course, your Honor.

22 *THE COURT:* I will lump 5, 6, 8, 9, 10 and 11, those
23 are kind of one bucket, and they all run together on the same
24 theory of relevance and discoverability.

25 Having now told you I am going to do that, Mr. Henry,

1 is there anything further you want to respond to for 5, 6, 8,
2 9, 10 or 11?

3 MR. HENRY: Yes, your Honor, just a couple of
4 comments. The first one is, we talked about alter ego, we
5 think these requests, most of them, aren't relevant to those
6 issues because they are general business practices. They don't
7 show alter ego, they show generally how corporations in today's
8 sophisticated world operate between sisters, brothers,
9 subsidiaries, affiliates, etc., so that is a problem.

10 Then, under the Takata case, the Court there said the
11 things you look at if you want specific jurisdiction, and even
12 if you want to try to argue agency is, did the foreign
13 Defendant design the product for the market, the marketing in
14 that state? Did they advertise in that state? Does the
15 foreign -- those are the questions you get to, and whether the
16 foreign Defendant directed the U.S. entity to do those things.
17 It is not the generalized kind of how did they interact on a
18 business sense.

19 Those would be my comments.

20 THE COURT: Okay, thank you.

21 I am looking at -- 12 also falls under the same bucket
22 because these are all essentially relevance. Relevance is a
23 very low standard.

24 My analysis doesn't end with relevance, but I think
25 there is an inference that one can draw that if the parent or

1 the sister/brother company is providing all of these services
2 and relationships it suggests an alter ego relationship.
3 That's not the goal line, but that is -- let me ask Mr.
4 Maderal.

5 That is actually your theory as to why this is all
6 relevant and discoverable, because it creates an inference of
7 an agency or alter ego relationship?

8 *MR. MADERAL:* Yes, and also sort of the third row,
9 which is the general fact of nonindependent and indirect
10 distribution. In reading the Supreme Court's case law on
11 specific jurisdiction, and particularly the theme of commerce
12 type analysis, they do sometimes -- in fact, almost always the
13 Supreme Court does not employ a strict agency test. They also
14 are just looking, are you distributing through an independent
15 or a dependent or a related distributor.

16 It is a little more of a totality of the circumstance
17 analysis. You see that in McIntyre and you see that referenced
18 also in Asahi.

19 I do think that there is -- at least in the world of
20 due process, I do think that there is a little more of a -- how
21 do you say it -- sort of a totality of the circumstance
22 analysis that is not necessarily strictly agency based, which
23 is relevant.

24 I would like to point out, your Honor, that 11 and
25 12 -- 11 and 12 are slightly different in that they are

1 Ranitidine related. So, I do think that that offers some even
2 heightened relevance to them.

3 *THE COURT:* All right. I appreciate you pointing that
4 out. I understand the theory of relevance and the request for
5 discoverability. I understand the objection. I will rule on
6 that accordingly.

7 Let's turn to number 13. This is sufficient -- yes,
8 Mr. Henry, let me turn to you.

9 *MR. HENRY:* Your Honor, if we could take one half a
10 step back, I am sorry to do this, we did have an objection to
11 request number 7.

12 *THE COURT:* Yes, I'm sorry, I skipped number 7. Thank
13 you.

14 *MR. HENRY:* We agree to number 7 to the extent it is
15 limited to foreign Defendant employee engaged in marketing,
16 sales, or distribution of Ranitidine containing products. That
17 is the limitation that we would ask for in number 7.

18 *THE COURT:* Not the related entity employees, but the
19 foreign employees.

20 *MR. MADERAL:* So, I think -- I think it is critical.
21 There are times when the entire board of directors and the
22 officers of the entity, the U.S. entity, were also entities of
23 the foreign Defendant, which is the narrowly tailored question
24 we're asking in part one. I mean, it is hard to imagine what
25 could be more relevant than that to the three types of theories

1 I spoke of before. It truly is.

2 And I think we have given your Honor a sort of broad
3 stroke, one we are aware of in the case of Apotex. We have
4 seen, your Honor, in the affidavits that were filed, I believe
5 Cadila -- this is an anecdotal example, I may be wrong, but I
6 believe the affidavit of the foreign entity was signed by the
7 U.S. entity. I think Lockhart filed two affidavits on their
8 behalf, one included an affidavit from the U.S. entity.

9 So, there is a lot of indication, a lot of bases to
10 see the overlapping of officers, directors, and employees, and
11 I think this is a critical request, number 7.

12 And I think number -- now, I think part two is also
13 important because now we have an overlapping employee who may
14 not be a director or may not be an officer, but that employee
15 is dealing directly, or has the responsibility encompassing
16 Ranitidine products, which is pretty precise.

17 THE COURT: I understand. Mr. Henry, anything further
18 on number 7?

19 MR. HENRY: No, your Honor.

20 THE COURT: Okay, great.

21 Let's jump ahead to -- let me skip 13.

22 Counsel, let's take a five-minute break.

23 *(Thereupon, a short recess was taken.)*

24 THE COURT: Let's go back on the record and continue
25 on. Number 13. I think I understand the argument there, Mr.

1 Henry, Mr. Maderal. I think it is the same argument I heard
2 before, but if anyone wants to supplement. Mr. Henry.

3 MR. HENRY: No, your Honor, it's the same as we
4 discussed on the interrogatory.

5 THE COURT: Mr. Maderal.

6 MR. MADERAL: It is the same, your Honor. I would
7 like to point out, because I don't remember if I did on the
8 interrogatory, the part about the physical address of delivery
9 is a critical part because I believe we -- I was not part of
10 this, but I believe in one of the meet and confers, I believe
11 with Cadila, and I apologize if it wasn't them, one of the
12 things we learned is that even though a transaction might be
13 papered as a purchase from a foreign Defendant and a sale to a
14 U.S. subsidiary, so it looks like purchaser, seller, linearly
15 foreign Defendant U.S. subsidiary, the shipping address, the
16 shipping might actually go from foreign Defendant to another
17 party in another state, so you might consider that drop
18 shipping.

19 That might be highly relevant because it goes to other
20 states that they are directly dealing with and also goes to
21 show that they are more involved in the distribution than
22 merely selling to the U.S. entity.

23 THE COURT: Okay. I understand the theory there, and
24 I will take that into account.

25 14, we have already dealt with revenues. In this one

1 you asked for each state or territory.

2 We have argued that one. If anybody has anything
3 further to say, I know the arguments on 14. Mr. Henry,
4 anything further on that one?

5 *MR. HENRY:* No. 15 as well.

6 *THE COURT:* Mr. Maderal, anything else on 14 or 15?

7 *MR. MADERAL:* No.

8 *THE COURT:* 16, travel by officers and directors. I
9 understand that one, similar theory. Anything further on that,
10 Mr. Henry or Mr. Maderal?

11 *MR. MADERAL:* No, your Honor, except that this is
12 targeted as Ranitidine products.

13 *THE COURT:* For the record, that was Mr. Maderal.

14 17, 18, those really are FDA issues that we discussed
15 already in the interrogatories. Anything further, Mr. Henry,
16 on this?

17 *MR. HENRY:* Your Honor, 17, we have already produced
18 the ANDAs, so in our view, the documents are going to be
19 contained in the ANDA files that they have. As far as the
20 other one, we've covered those issues.

21 *THE COURT:* All right.

22 *MR. MADERAL:* This is Mr. Maderal. If I may, as to
23 17, to the extent -- we are asking for ANDAs. To the extent
24 they have already produced something, of course they can simply
25 site that. I don't know where they all stand in terms of their

1 core discovery agreement. I don't know what they all have, but
2 we are seeking the two interfaces with the FDA, one being
3 registration of the facility that manufactures Ranitidine. My
4 understanding is that facility is identified in the ANDA, but
5 the actual documents that are submitted to the FDA for that
6 purpose are not in the ANDA, and also any documents that were
7 submitted to become a labeler.

8 Your Honor may ask, why are the documents themselves
9 important separate and apart from just the fact of
10 registration? I believe they are because they are multiple
11 times submitted and the statements made in there -- if you look
12 at the Acorda Therapeutics case, one of the things the Court
13 does is actually goes through and looks at some of the
14 certification statements and representations made in the ANDA
15 as relevant to the purposeful availment analysis.

16 So, there is a lot of meat on the bones beyond the
17 mere fact of the application.

18 On 18, your Honor, I don't want to gloss over 18
19 because this is critically important and may not be evident to
20 your Honor.

21 There is one thing we can see from the FDA website
22 that is relevant to this. When the foreign Defendant registers
23 an ANDA, they may have three or four ANDAs, one or two ANDAs,
24 and it is for -- let's say Apotex has an ANDA for a 100
25 milligram tablet. You can take that ANDA number and plug it

1 into the FDA and you can see if there are any labelers, any
2 other people who have registered to label that ANDA to sort of
3 rebrand it as their own.

4 If your Honor has ever been to Walgreens or Wal-Mart
5 or Costco and seen their -- it's sort of an oxymoron, but their
6 generic brand of Zantac, Wal-Mart and Costco, they don't
7 manufacture that brand. What they are doing there is, they are
8 contracting for the right to put their label on some other
9 generic manufacturer's Zantac let's say Apotex's. If you pick
10 up that label and look closely, where it says Wal-Mart,
11 Walgreens, or Costco, you would see somewhere on there Apotex,
12 and you would see the ANDA number.

13 You can look up on the FDA website and you can see
14 there are well-known U.S. brands that were labelers. For
15 instance, I could see that for Apotex, it was labeled by HEB,
16 Rite-Aid and Wal-Mart.

17 So, what we are asking for here, the question we had
18 here is, when Apotex is selling -- or importing and shipping,
19 as they claim, these finished products to their U.S.
20 subsidiary, are they contracting for and are they in fact
21 putting the Wal-Mart label on it before they ship it to the
22 subsidiary? Are they also putting a 7-Eleven label on some of
23 it before they ship it to the subsidiary? Because, to us, that
24 is incredibly important evidence that they know and they are
25 purposely availing themselves and designing a product for the

1 U.S. market, and also evidence of it going to all 50 states.

2 If you know you are designing a product and labeling
3 it for Wal-Mart in particular, you have a lot of knowledge
4 about where that is going. What we are asking for here is give
5 us an example, just one example of each label that was on your
6 finished product when you sold or shipped it into the United
7 States. What we are looking for is, were they putting these
8 labels on before they were sending it to the subsidiary.

9 *THE COURT:* You are asking for an exemplar for every
10 label they generated since 1996?

11 *MR. MADERAL:* Yes. I don't have any reason to believe
12 that there are more than 30.

13 *THE COURT:* Okay. I understand the argument.

14 *MR. MADERAL:* And frankly, your Honor, we don't
15 necessarily need, you know, 15 versions of the Wal-Mart label.
16 What we are looking for is that they put a Wal-Mart label on
17 it, that they put a 7-Eleven label on it. If the 7-Eleven
18 label, for whatever reason, changed every year, we don't
19 necessarily need every iteration of that. We are just looking
20 for that fact of the label with the U.S. retailer logo on it,
21 one exemplar for each retailer, for each labeler.

22 *THE COURT:* Mr. Henry, any response?

23 *MR. HENRY:* Yes, your Honor, let me highlight
24 something. For 17, we are going to take a step back and say
25 the fact that a foreign Defendant registered a manufacturing

1 facility with the FDA establishes nothing with respect to
2 specific jurisdiction and that is specifically in this case.

3 This would also go for whether an entity registered as
4 a labeler, those things are done non-product specific.

5 A manufacturing facility manufactures more than one
6 drug, it is registered as a manufacturing facility where it
7 gets the identity for being connected to a drug, and it is in
8 the ANDA, which Plaintiffs already have.

9 None of that regulatory stuff is relevant here because
10 Plaintiffs' claims do not go to regulatory activity, they go to
11 our sales and our manufacturing.

12 *THE COURT:* I assume when you are asking for these
13 facilities, you are asking for domestic facilities, like do you
14 have a manufacturing plant in Georgia or a manufacturing or a
15 labeling plant in Colorado.

16 Mr. Maderal, I assume you are only asking for U.S.

17 *MR. MADERAL:* No, they have a facility in India that
18 would lend themselves to the jurisdiction of the United States
19 of America for purposes of designing a product for all 50
20 states, so we are asking for that evidence.

21 What I would say is, imagine McIntyre, imagine
22 evidence that that machine company has reached out to the
23 United States to approve their facility to manufacture, I
24 believe it was a metal cutting machine to ship to the United
25 States. In that particular case, it was so scant I don't know

1 if it won the day, but there is no reasonable argument to be
2 made that the Supreme Court would not have listed and
3 considered that as a relevant fact.

4 The same goes for the entire component of Asahi.
5 Obviously, if that Taiwanese manufacturer had reached out to
6 the NTSB to come and inspect its facility before it
7 manufactured that component, before it was sent to the
8 entire United States, that would have been a highly relevant
9 fact that would have been discussed by the Supreme Court. That
10 is the analogy.

11 Again, no, our claims do not arise, strictly speaking,
12 from the fact of the filing, but the filing ahead of time, the
13 reaching out and submitting yourself to the jurisdiction for
14 the privilege of distributing your product in the 50 states is
15 clearcut, classic, absolute evidence of purposeful availment.

16 *THE COURT:* I hear you, but I do have to point out
17 there are six justices in McIntyre that would have ruled
18 against you in that argument.

19 *MR. MADERAL:* I don't think they would have ruled
20 against me on these facts. I do think they would have ruled
21 against me if I had shipped from my manufacturer and four
22 machines ended up in the United States of America. My point is
23 not that that fact would have changed the analysis. My point
24 is, that fact would have certainly been discussed as highly
25 relevant.

1 *THE COURT:* Okay. I understand the argument and I
2 understand the request on 17 and 18.

3 Mr. Henry, back to you. You object specifically to
4 the request to turn over the registration and the labeling
5 document.

6 *MR. HENRY:* That is correct, your Honor. We don't
7 think it has anything to do with the specific jurisdiction
8 inquiry here.

9 *THE COURT:* Just so I can look at another
10 proportionality factor, how voluminous are those materials and
11 how difficult would it be to locate if I directed you to turn
12 them over?

13 *MR. HENRY:* I will be candid with your Honor, I don't
14 know. I haven't inquired with Apotex, Inc. where the
15 registration materials are at this point.

16 *THE COURT:* I understand. You are speaking for your
17 client, and there are other foreign Defendants, and I don't
18 expect you to have encyclopedic knowledge as to all of them.
19 That may be a fact that I ask the parties to get me if I get
20 over a couple of other hurdles first. Let me address some
21 other issues first.

22 Let's get to the last two issues, 19 and 20.

23 *MS. BATTISTI:* Your Honor, this is Nicole Battisti on
24 behalf of Cadila. Can I say something?

25 *THE COURT:* Yes.

1 *MS. BATTISTI:* I just wanted to point out the fact
2 that it seems like the things that Plaintiffs are suggesting,
3 like registering a foreign manufacturing facility and
4 registering as a labeler, are equivalent to holding an ANDA for
5 purposes of seeking approval from the FDA to design and market
6 a drug.

7 In fact, in the submission to your Honor Plaintiffs
8 incorrectly stated that Cadila sought approval from the FDA to
9 design and market Ranitidine containing products to the United
10 States, which is incorrect, but their reliance to state that
11 was on the fact that they registered a foreign facility, a
12 manufacturing facility they have in India in which they
13 manufacture the drug there and that they registered the label.

14 It is incorrect to say that these things would create
15 an intent to market the product in a particular state or in the
16 United States at all.

17 *THE COURT:* I hear you, but I think what I understand
18 Mr. Maderal to be arguing is that, if I manufacture a drug in
19 India, and I don't want to avail myself to the markets in the
20 United States -- if I am a manufacturer in India, there is only
21 one reason I am contacting the FDA to get my facility
22 registered, and that is because I want to sell the drug in the
23 United States. So, it is at least an inference -- I am not
24 sure how strong it is, but it is a relevant inference of an
25 intent to sell my product in the United States.

1 Whether that leads to jurisdictional discovery, or
2 whether that overcomes the merits of whether there is personal
3 jurisdiction in this case, I am not crossing that bridge.

4 That is what I understand Mr. Maderal's argument to
5 be, it creates a circumstantial inference of an intent to avail
6 oneself of the U.S. market.

7 Now, again, as many people have pointed out, it does
8 not necessarily lead to an inference to particularly avail
9 oneself of a specific state or market, but there are other
10 inferences that can be held together.

11 Judge Rosenberg made clear in the order that merely
12 having an ANDA is not in and of itself sufficient to create
13 personal jurisdiction. I am just trying to understand the
14 argument, and Mr. Maderal will correct me if I am wrong. That
15 is the argument I understand him to be making, that this
16 creates a circumstantial inference.

17 Mr. Maderal, did I get that right?

18 MR. MADERAL: I think you understated it. I don't
19 think it creates an inference, I think it is direct and
20 absolute evidence of availment. I don't know that it is an
21 inference of availing yourself. It is the very act of availing
22 yourself.

23 And I don't think -- or where I quibble with you is,
24 say I get an ANDA because I am intending to come into the U.S.
25 market, and I say, you know what, if I don't make any money, I

1 just won't do anything with it.

2 *THE COURT:* I don't know that it was the affirmative
3 act, to use another analogy, of coming into the U.S. market.

4 *MR. MADERAL:* I would say two things. I would say one
5 is that the sort of hypothetical in the case of not doing
6 anything would never arise because, obviously, you could never
7 do anything with it, no one used your product, no one is harmed
8 by it, and there is no case. So, I think that is sort of a
9 self-correcting hypothetical.

10 And two, in the context of not a product liability
11 case, a patent litigation, those are the very facts in Mylan,
12 they had an ANDA and hadn't done anything with it, and the
13 Court found personal jurisdiction by virtue of having the ANDA
14 because they intended -- essentially, it was clear they were
15 going to market it in all 50 states even though they hadn't
16 yet.

17 So, that is my response to that, your Honor.

18 *THE COURT:* I hear you. Ms. Battisti, I want to give
19 you the last word since you were the one who brought this topic
20 up.

21 *MS. BATTISTI:* I hear both points. My main point was
22 that registering as a labeler and registering a foreign
23 manufacturing facility wouldn't be the equivalent of an ANDA
24 for a U.S. product.

25 *MR. HENRY:* On that point, your Honor, obviously an

1 ANDA is a step more toward intent than being a labeler, you are
2 responsible for selling the drug and responsible for all these
3 sorts of things, the warning label. As a matter of fact, where
4 we discovered the labeler for purposes of personal jurisdiction
5 -- if your Honor were to go to the FDA website and look up the
6 labeler code for Cadila and for Ranitidine it actually has a
7 date that says started marketing. There is a date where they
8 started marketing.

9 To label a drug is perhaps not as serious an exercise
10 as an ANDA holder, but it is directly marketing a drug in the
11 United States.

12 *THE COURT:* I hear you. Let's turn to 19 and 20 then.

13 I understand number 19, I don't need to hear argument
14 on 19. 20, what are you driving at there, Mr. Maderal? I am
15 not sure I understand.

16 *MR. MADERAL:* This is what we are driving at, is it
17 correct that the foreign Defendants are not dealing with the
18 Wal-Marts of the world. In the case of Apotex that has
19 Wal-Mart relabeling its drug, Wal-Mart agreed to put its name
20 on Apotex's drug, so Wal-Mart would be a relabeler and/or
21 repackager.

22 What we are looking at only from the foreign Defendant
23 is, we want to see if you are speaking with Wal-Mart. In the
24 case of Cadila, which I understand may not be subject to this,
25 but just for a hypothetical, in the case of Cadila which is

1 shipping its product not to its U.S. subsidiary, but directly
2 to third party logistic companies that are distributing it, are
3 they dealing directly with the third party companies, are you
4 sending them communications. That is what we are looking for,
5 where they have shortcuts with the U.S. subsidiary and are in
6 fact dealing with the entities down the chain directly.

7 *THE COURT:* Thank you for clarifying that. Let me
8 hear from Mr. Henry.

9 *MR. HENRY:* Your Honor, I need to address Mr.
10 Maderal's argument about the label, but it is related to 20.

11 In our view, whether a foreign Defendant applies their
12 label to a Ranitidine containing product, whether they apply
13 Wal-Mart's, whether they apply 7-Eleven's, it is really
14 immaterial to the issue of specific jurisdiction because that
15 product is being distributed throughout the United States.
16 That is the way business operates.

17 Whether they take that product and then ship it to a
18 Wal-Mart distribution center as opposed to its own internal
19 or -- as opposed to its own U.S. affiliate for distribution,
20 again, it is immaterial.

21 What is material is whether the foreign Defendant had
22 a specific intent to market that drug in a certain state.

23 That is the inquiry we are at here, not whether we
24 were shipping products into the United States. Quite frankly,
25 that is what we conceded in the various declarations and

1 affidavits that we supplied.

2 *THE COURT:* Again, I am not ruling on the merits
3 question, I am just ruling on the discovery question. I
4 understand your point and that is a fair point to be made.

5 Number 20, any comment or response you want to make to
6 number 20?

7 *MR. HENRY:* Both of those are wrapped up together,
8 that is how we think 20 is a jurisdictional question, and the
9 points are inquired about here.

10 *THE COURT:* Thank you. I will take all of that under
11 advisement. I want to commend all of you, I thought the
12 joint memo and attachment as to the discussion helped me to
13 frame it and use it as an agenda. I know it is getting late,
14 but I want to go back and address the reciprocal discovery
15 question.

16 *MR. MADERAL:* Your Honor, I apologize, the issue of
17 depositions.

18 *THE COURT:* What I am going to do on the
19 depositions -- let me think through and figure out what I am
20 going to do with the other discovery, because my rulings on the
21 request for interrogatories will help frame the scope of what I
22 will allow. When I know the scope of what I will allow, I will
23 be in a better position to evaluate what depositions, if any, I
24 think are appropriate.

25 I will give you an opportunity to argue that once I

1 rule on these issues.

2 MR. MADERAL: Your Honor, if I may, and again I
3 apologize, I know it is late, if I may respond to Mr. Henry's
4 last point.

5 THE COURT: Sure.

6 MR. MADERAL: First of all, let me say right now that
7 we had a lot of meet and confers with Mr. Henry and Mr.
8 Klarfeld and they were wonderful to deal with, and so, I hope I
9 am not putting words in his mouth, but what I thought I heard
10 him saying, and maybe he was saying hypothetically, as a
11 Plaintiffs' lawyer what I heard him saying was, listen, Apotex
12 imports drugs that have Wal-Mart's label on it and ships it
13 directly to Wal-Mart, and that is not relevant.

14 Whether or not that is true, I cannot let that pass.
15 That is so relevant from dealing with just a single
16 distributor, your Honor.

17 THE COURT: I got it. I understand the argument. I
18 am looking at their declaration. Their declaration even said
19 they shipped things directly to somebody. Somebody's
20 declaration said that.

21 MR. HENRY: Your Honor, two comments. One, I am not
22 going to dispute Mr. Maderal's statement that I am a wonderful
23 person; and two, I was offering that as a hypothetical. I
24 actually don't know that that is true, that was a hypothetical.

25 THE COURT: I understand. Thank you both.

1 Let me address quickly, finally, the last topic of the
2 day, the reciprocal discovery issue.

3 Mr. Henry, Mr. Klarfeld, Ms. Battisti, who is going to
4 take the lead on that? Mr. Klarfeld, it is your request, so
5 you can go first and you can go last.

6 *MR. KLARFELD:* Thank you, your Honor.

7 *THE COURT:* You are asking entitlement, whether you
8 should get any, and then we can talk about what you should get.
9 I saw the interrogatories you submitted, I understand the other
10 side's argument. It is only two questions, but it could be
11 escalated into 600 answers. We will get to that in a second.

12 Let's address the two questions I put to Mr. Gilbert,
13 one, as a matter of law, does the law allow you to get
14 reciprocal jurisdictional discovery; and secondly, if it does,
15 why is what you are asking for proportional at all.

16 *MR. KLARFELD:* Thank you, your Honor. As to the first
17 question of whether the law permits it, in reviewing the
18 parties' papers, I don't believe there is any dispute that the
19 law permits it. In fact, I would draw your Honor's attention
20 to a case out of this Court, Forby versus Morisau (phon), where
21 the Court specifically said "from the equitable perspective,
22 i.e. when adopting what is sauce for the goose is sauce for the
23 gander maxim, when a Court permits a Plaintiff to conduct
24 jurisdictional discovery it is appropriate to afford the
25 Defendant the same opportunity."

1 The Forby case is instructive, it recognizes that in
2 this Court not only is it not prohibited, but it is a matter of
3 equity to actually permit it.

4 That case is not the only case that stands for that
5 proposition. We cited several other cases in our papers that
6 demonstrates that just simply making the request for reciprocal
7 jurisdictional discovery or jurisdictional discovery on behalf
8 of a Defendant is not prohibited as a matter of law, and this
9 would be one of them where it is permitted.

10 I'm sorry, you dropped out.

11 *THE COURT:* I was saying okay.

12 *MR. KLARFELD:* There was a comment that Mr. Maderal
13 made in his remarks a few minutes ago, and even though I didn't
14 say much in that portion of the discussion, I was paying
15 attention. He said if no one used your product, then there is
16 no case. It is a self-correcting hypothetical.

17 That is actually directly what we are trying to
18 accomplish here. The Plaintiffs have made allegations in the
19 case of the personal injury Plaintiffs and in the case of the
20 consumer class action Plaintiffs that they took and adjusted
21 our clients' product. In the case of the third party payor
22 Complaint, they allege that they paid for our product.

23 That is not -- it is not so much that we are
24 contesting that in that they opened the door asking the
25 questions about whether that is even true.

1 Just last week 183 -- there were literally 183
2 Plaintiff representatives, Plaintiff class representatives of
3 the consumer class action Complaint that submitted discovery
4 responses in response to the brand manufacturers' discovery
5 request. In not any one of those 183 discovery responses did
6 the Plaintiffs identify any product used that was manufactured
7 by any of the foreign Defendants.

8 There were product identification requests in those
9 requests and not one of them indicated that they took our
10 product. So, I would agree with Mr. Maderal that if nobody
11 took our product, then there is no case of correcting
12 hypothetical.

13 All we are asking for here is a matter of
14 jurisdictional discovery. They can't have jurisdiction over us
15 if they didn't take our product. We are asking for narrowly
16 tailored discovery to get to the bottom of that inquiry and
17 that's all.

18 *THE COURT:* Thank you. Mr. Gilbert is going to take
19 the lead on this one.

20 *MR. GILBERT:* It is Mr. Gilbert and I am still awake,
21 Judge.

22 *THE COURT:* I had no doubt. Mr. Gilbert, let me have
23 you respond to that. You have alleged that these Defendants
24 can all be sued in all 50 states of the United States. Why
25 shouldn't they get some discovery to make sure that you can

1 establish there is at least one Plaintiff in each state that
2 can sue them?

3 MR. GILBERT: Thank you for the question. First of
4 all, let me give you a little bit of backdrop, whether we are
5 talking about the master personal injury Complaint or the class
6 Complaint.

7 First of all, there is a master personal injury
8 Complaint filed. It is not actually formally a pleading on
9 behalf of a particular person or persons, it is a vehicle that
10 will be used so that the 800 people around the country who have
11 already filed short form Complaints, and the thousands of
12 others that may do so in the future, as well as those people,
13 50,000 plus people that have registered claims in the registry,
14 will have claims that will be adjudicated by this Court, and at
15 the appropriate time in this litigation their cases will be
16 remanded to their home districts.

17 I think it is important to lay that in context.
18 Compare that with the consumer class Complaint and the PPP
19 Complaint where a select number of individuals -- in the
20 consumer class Complaint it is approximately 180, in the case
21 of the PPP Complaint it is three third party players have
22 alleged that the drug sold was worthless at the time of sale
23 and there were economic damages as a result because it was
24 defective, and they are entitled to economic relief, or in the
25 case of the PPP, they be paid or reimbursed for that drug.

1 I am not going to digress into the medical monetary
2 issue because it is not relevant right now.

3 The inquiry and question you have asked is critical to
4 be understood in the context of those different vehicles and in
5 the context of the motion that these non U.S. Defendants have
6 filed.

7 I am going to start where we should start, which is
8 their Motion to Dismiss for lack of personal jurisdiction.

9 They filed it on October 8th, they attached
10 declarations which included all of the types of factual
11 allegations that one would expect in support of the lack of
12 personal jurisdiction. Nowhere in their motion, nowhere in
13 their supporting declarations, nowhere in their supporting
14 memorandum of law did they allege or suggest that they needed
15 any type of discovery of the Plaintiffs, but rather, they said,
16 based on the facts that we have asserted in our supporting
17 declarations, we don't have sufficient contacts, we should be
18 dismissed.

19 Let's take it a step forward. We, in response to that
20 motion, to that Motion to Dismiss, timely filled, promptly
21 filed a motion seeking leave to conduct jurisdictional
22 discovery before we had to respond on the merits to their
23 personal jurisdiction motion. We did it a week or ten days
24 after they filed the motion, and after conferring with them.

25 In that motion we laid out we need to be able to

1 contest what they said, we need jurisdictional discovery, etc.
2 They responded. Nowhere in their opposition to our motion for
3 jurisdictional discovery did they ever raise an argument, raise
4 the fact that they needed jurisdictional discovery of the
5 Plaintiffs in order to win on their Motion to Dismiss. In
6 fact, they said there was no jurisdictional discovery needed at
7 all.

8 Judge Rosenberg didn't agree with them. Judge
9 Rosenberg said they were entitled to limited narrow discovery,
10 which has been the subject of the hearing for the past two
11 hours, and the matter of figuring out what that should be.
12 Nowhere in the opposition did they say they needed it.

13 When did this come up? In the course of meeting and
14 conferring. By the way, I want to echo what Mr. Maderal and
15 Mr. Henry said. We have had more than six hours of cordial
16 collegial meet and confers with these Defendants, Mr. Henry and
17 Mr. Klarfeld and Mr. Maderal and Ms. Goldenberg and me.

18 When did this come up, their alleged need for
19 jurisdictional discovery? Only after Judge Rosenberg directed
20 us to meet and confer about what the scope of the discovery
21 would be in advance of coming before you did they say to us,
22 oh, by the way, we are going to be asking for jurisdictional
23 discovery for your Plaintiffs as well. Don't be surprised when
24 we send you this request. And we said, well, we don't think
25 you're entitled to it under the order.

1 That led to the motion that they filed asking to
2 clarify the order, our response, and Judge Rosenberg's ruling
3 last night.

4 I give you this backdrop because it is important to
5 point out that they haven't ever asserted that they need
6 jurisdictional discovery to escape this lawsuit, whether it is
7 the PI Complaint or the class Complaint. They only did it as a
8 tit for tat in response to the fact that the Court ruled that
9 we are entitled to limited jurisdictional discovery.

10 I want to remind the Court of something that
11 Ms. Battisti said earlier in the hearing when she said that
12 they are not -- I can't quote her, I can paraphrase what she
13 said. They said -- they, meaning Cadila -- are not seeking
14 jurisdictional discovery from the Plaintiffs unless
15 jurisdictional discovery is granted against them. That is
16 exactly what is happening here.

17 So, on the equities of it, they have no equities here.
18 This is a tit for tat, sort of revenge, we don't like the
19 ruling we got and so we are now going to try to make it
20 difficult for you guys on the other side.

21 Under the law, they are wrong. I do agree with Mr.
22 Klarfeld, there is nothing in the law that specifically
23 prohibits their request for jurisdictional discovery. The
24 overwhelming bulk of authority disallows it.

25 They have cited to you -- Mr. Klarfeld just spoke

1 about the Gorby case that was decided on this issue by
2 Magistrate Judge Goodman here in Miami. They rely on Gorby as
3 a principal case. Gorby is not even close to supporting their
4 position. Gorby involved a claim that was brought under a
5 statute that the Florida Supreme Court specifically found
6 required that the Plaintiff allege that he or she was a
7 resident of Florida. Judge Goodman found that the complaint
8 was unclear.

9 There were allegations that said I am a resident of
10 Florida, I hold a Florida driver's license. Judge Goodman said
11 this Complaint is unclear, I need to know whether you are a
12 resident of Florida or not because if you are not, the way I
13 interpret internet solutions, you can't move forward in this
14 case. On that basis, he allowed a couple of interrogatories
15 and a request for production. Gorby is not even close to being
16 the situation we have here.

17 We have alleged in the consumer class Complaint the
18 state of residence for each of the 180 plus consumer
19 Plaintiffs. We have alleged in the third party Complaint the
20 state of residence or incorporation for the third party payors.
21 We have alleged that these people bought and/or used and/or
22 were reimbursed for generic Ranitidine or brand name Zantac.
23 We have alleged that they have harm as a result of it.

24 Those allegations on the Rule 12 Motion to Dismiss are
25 accepted as true. We are not here to argue a Rule 12 Motion to

1 Dismiss on those issues. We are here on their Motion to
2 Dismiss for lack of personal jurisdiction.

3 Judge, their request for jurisdictional discovery is
4 procedurally flawed. It doesn't achieve anything. And let me
5 explain what I mean by that.

6 If they are directing it to however many of the 800
7 people that have filed short form complaints to date that have
8 bought or used generic Ranitidine manufactured in their foreign
9 facilities, we have to go to those 800 Plaintiffs in those
10 short form complaints and find that information out.

11 I am not going to talk about too many interrogatories,
12 1500, etc., but if there is a (inaudible) the personal injury
13 Complaint we have to figure out which of those 800 short form
14 Complaints potentially implicate their clients, and we have to
15 file responses after polling all of those to provide that to
16 the Court.

17 That is not going to solve the problem with the issue
18 with regard to any of these non U.S. Defendants, because over
19 the next year there may be 800 more short form Complaints
20 filed, or maybe 8,000 short form Complaints filed where
21 individual Defendants not before the Court that were injured by
22 generic Ranitidine manufactured by one or more of these
23 Defendants.

24 So, what does it achieve to do that at this point in
25 time? What kind of issue is there that is being addressed?

1 As to the consumer class Complaints, our theory has
2 never been -- and this is an issue before Judge Rosenberg right
3 now on the Motion to Dismiss with regard to standing, and we
4 respectfully submit that the issue has been joined. Judge
5 Rosenberg is going to hold oral argument on this issue in mid
6 December.

7 Whether a named Plaintiff in a class action has to
8 have used or purchased the product manufactured by every single
9 one of the Defendants in that Complaint is an issue relevant to
10 the standing motion, it is not an issue that is relevant to
11 this personal jurisdiction motion. It does not achieve
12 anything.

13 Judge, I know Ms. Stipes has been at it all day, I
14 want to bring it in for a landing.

15 We cited at least a half dozen cases in our opposition
16 memo filed at Docket Entry 2293 for the jurisdictional
17 discovery on a personal jurisdiction motion, not a subject
18 matter jurisdiction motion like they cited, jurisdictional
19 discovery in the context of a personal jurisdiction challenge,
20 and it was denied by the Court.

21 There is overwhelming authority against it. There is
22 no reason for an exception in this case as there was in the
23 Gorby case or the other cases they cited. They heavily relied
24 on Siboba, spelled S-I-B-O-B-A, a Tenth Circuit case, which has
25 been overruled and involved a subject matter jurisdiction

1 issue.

2 There is no reason, no strong argument that they can
3 make, that Mr. Klarfeld could make other than to tell the Court
4 that what is sauce for the goose is sauce for the gander. That
5 is not what applies in the context of discovery, and we would
6 respectfully urge the Court to deny their entitlement to any
7 jurisdictional discovery in this case.

8 *THE COURT:* Thank you, Mr. Gilbert. Just to
9 crystalize that a little bit it for myself, it seems to me at
10 least the first argument you are making -- let me confirm, are
11 you making an argument that the request is untimely as a matter
12 of law?

13 There is a case with Judge Altonaga where the Court
14 said you waited too long to ask for jurisdictional discovery
15 and, therefore, even if you otherwise would be entitled to it,
16 you wouldn't have it. Are you making that argument?

17 *MR. GILBERT:* Judge, based on timing, I believe it is
18 untimely. That is not my principal argument. It is untimely
19 in the sense they didn't raise it in their motion, and didn't
20 raise it in their opposition, and there has been a passage of
21 months where the parties have been prejudiced. I don't think
22 that is the standard.

23 Clearly they anticipated they needed it, and the fact
24 that they didn't include it shows it is untimely.

25 *THE COURT:* Okay. I understand that position.

1 The other point, I guess, is -- and look, I hear your
2 point about how some of this may actually merge with the
3 standing issue that is pending before Judge Rosenberg, and
4 maybe I should wait before ruling on this until Judge Rosenberg
5 rules on the standing issues, but on the third party payor
6 Complaint, we only have three Plaintiffs so that will be easier
7 to deal with.

8 Each of those three Plaintiffs have sued each of these
9 foreign Defendants, have they not?

10 *MR. GILBERT:* That is correct. I believe it is all of
11 them, but it is some of them at least.

12 *THE COURT:* You're right. I don't have my notes in
13 front of me in that regard.

14 Where have they been sued, under the laws of what
15 state and what jurisdiction? And isn't it -- if there is no
16 valid claim against them under the laws of whatever state and
17 they can't be held in a court in that state, aren't they
18 entitled to a dismissal of the claim?

19 I think that is what distinguished the Judge Goodman
20 case where everybody knew who was suing who in Florida. We
21 knew it was in Florida and who the Plaintiff was, and it was a
22 live Plaintiff.

23 Here, in the third party Complaint, or in the consumer
24 class action Complaint, a Plaintiff in each jurisdiction where
25 these people are being sued, why aren't they entitled to at

1 least know that?

2 *MR. GILBERT:* First of all, they have been sued under
3 Federal civil RICO, as well as the state laws of various and
4 sundry territories in the United States. If we are correct,
5 and I believe we are, on our standing argument pending before
6 Judge Rosenberg, we do not need to have a Plaintiff, either
7 under the PPP Complaint or the consumer class Complaint, who
8 actually appeared in each of these states and bought the
9 product from every single one of these Defendants.

10 Under the Federal RICO claim, clearly the
11 jurisdiction -- and the inquiry is right there. Under the
12 specific state claim, they have alleged in the consumer class
13 Complaint and in the PPP Complaint as well that these
14 Plaintiffs are representatives of a putative class who have the
15 standing to bring these claims on behalf of people and other
16 similarly situated PPPs in each state of the union and each
17 territory where this product is sold or manufactured without
18 regard to whether the PPP itself reimbursed for the Apotex
19 product or the Ajanta product.

20 If our understanding is correct, and we believe it is,
21 those companies are in the same position, similarly situated as
22 the brand name manufacturers and as the retailers, and that is
23 what is enjoined under the standing motion that is pending
24 before Judge Rosenberg.

25 *THE COURT:* I am not asking you to bargain against

1 yourself on this or that you should concede anything. I am
2 going to propose a hypothetical to you because you're
3 intimately more familiar with the procedural aspects of this
4 case. I am not setting you up to concede anything, I promise
5 you.

6 I have been a lawyer long enough to know sometimes
7 when a judge asks me a question, I wasn't listening to the
8 question, but thinking what is that question really going
9 towards. There is no Wizard of Oz hiding behind this question.
10 It is what it is.

11 My understanding is Judge Rosenberg is going to rule
12 on the personal jurisdiction motions -- she is going to have
13 argument on the personal jurisdiction motions and standing
14 motions at the same time, in December sometime; is that
15 correct?

16 *MR. GILBERT:* No, I don't believe that is correct at
17 all, Judge. The only thing Judge Rosenberg is going to hear
18 argument on in December is the first round of the Motions to
19 Dismiss, round one Motions to Dismiss.

20 *THE COURT:* Okay. Does that include the standing
21 motion, Mr. Gilbert? Let me start over.

22 Judge Rosenberg is going to hear argument on the
23 standing motions in December, and the personal jurisdiction
24 motions are tracking behind that.

25 *MR. GILBERT:* Personal jurisdiction motions are stayed

1 pending jurisdictional discovery, and upon completion of the
2 jurisdictional discovery, then our brief in opposition to their
3 PJ motions will be due, and then their reply brief will be
4 due and then, and only then, will it be an issue before Judge
5 Rosenberg, so several months later.

6 *THE COURT:* My point is, it is tracking behind the
7 standing motion. This is not a trick question.

8 Assume for the sake of discussion that Judge Rosenberg
9 disagrees with you about your theory on the class, the one
10 Plaintiff class standing argument that you just explained much
11 better than I ever could, assume she disagrees with you.
12 Presumably you would ask for and might be granted leave to
13 amend and file a different Complaint with multiple Plaintiffs.
14 Okay. I assume that is the road we go down.

15 At that point, could these Defendants then raise a
16 personal jurisdictional argument based upon whatever Plaintiff
17 you named is not a valid Plaintiff in the state that you wanted
18 it to be? In other words, they could make this argument later
19 on, potentially, if Judge Rosenberg rules against you on the
20 class.

21 *MR. GILBERT:* I am going to ask you if I understood
22 your question correctly. If I did, I can give you a very
23 straight answer, direct answer.

24 Were you saying -- were you asking, if Judge Rosenberg
25 were to find that we have to have a Plaintiff from each state

1 who purchased the product from each Defendant, would that, in
2 turn, allow a Defendant such as the ones that are moving
3 here -- are here before you now to then raise their -- A, their
4 personal jurisdiction motion; and B, if they doubted whether
5 that particular Plaintiff purchased the product from them to
6 ask for jurisdictional discovery?

7 Did I understand your question correctly?

8 *THE COURT:* You did.

9 *MR. GILBERT:* My answer would be simply, yes, if Judge
10 Rosenberg were to reach that conclusion that for every single
11 Defendant in this MDL you have to have a Plaintiff from every
12 single state who purchased a product of every single Defendant,
13 that would be the inevitable followup that would allow any
14 Defendant, including those before you, to then raise a Motion
15 to Dismiss for lack of personal jurisdiction, for example, in
16 Wyoming.

17 *THE COURT:* Thank you. That is the question I was
18 asking and you answered it.

19 Let me turn to opposing counsel. Mr. Klarfeld, I hope
20 you haven't muted yourself. It looks like you haven't. I want
21 to hear everything you want to say. Let me ask you the flip
22 side of that question I asked Mr. Gilbert.

23 Assume that Judge Rosenberg agrees with the Plaintiff,
24 that they don't have to find a Plaintiff in each state, they
25 can have one person who can be a class representative and

1 bring claims against your client in any state where your client
2 had sufficient minimum contact, okay. Wouldn't your request
3 for discovery here be moot? You wouldn't need this discovery
4 because you couldn't make the argument.

5 *MR. KLARFELD:* I am not sure I am following the
6 question. Would you mind trying it again?

7 *THE COURT:* Mr. Gilbert, your argument is they have
8 sued us in 50 states and territories. We want discovery simply
9 to establish who is the Plaintiff in each state so we can
10 determine whether in fact, if they are trying to sue us in
11 Wyoming, that there is a proper Plaintiff who bought our
12 product in Wyoming. If there isn't, there is no jurisdiction
13 over me.

14 That is how I read your request for jurisdictional
15 discovery. If I am right about that, Mr. Gilbert has
16 responded, well, we, the Plaintiffs, have a theory that Judge
17 Rosenberg hasn't yet ruled on. Our theory is, we don't have
18 to, we don't have to have an individual Plaintiff in Wyoming,
19 or Idaho, or New Mexico. As long as we have one person
20 somewhere in the United States who bought Apotex's Ranitidine,
21 we can have a class.

22 If Judge Rosenberg agrees with Mr. Gilbert -- I don't
23 know if she will or she won't, but assume she agrees with him,
24 isn't your current argument moot? Then the flip side question:
25 If she disagrees with you -- I asked Mr. Gilbert, shouldn't Mr.

1 Klarfeld be able to make this argument? And Mr. Gilbert says,
2 yes, if she rules against me. If she rules against you, isn't
3 this argument moot? If so, do I need to reach it? That is
4 where I am going.

5 MR. KLARFELD: I appreciate the question. I am going
6 to try to answer it and I hope my answer answers the question
7 you are asking. If it doesn't, I will do my best to clarify.

8 I think the answer to your question is no.
9 Plaintiffs -- the standing issue before Judge Rosenberg is
10 whether they need a -- is there a Plaintiff in every state that
11 took each of the Defendants' product. That isn't the argument
12 we are making here.

13 The argument we are making here, does any Plaintiff at
14 all -- has any Plaintiff at all ever taken any of the product
15 sold by any of the foreign Defendants. So, for purposes of
16 jurisdictional discovery it is even narrower than what the
17 Plaintiffs believe. We would be amenable to a response that
18 says -- let's take the consumer class action Complaint, for
19 example. If Plaintiffs can come forward with a single class
20 rep who took an Aurobindo product, that would be the first step
21 for the need to establish there is personal jurisdiction
22 regardless of what state that individual Plaintiff is in.

23 So, if they have one from Wyoming, but they don't have
24 one from Texas, that is okay for purposes of personal
25 jurisdiction, they clear the first hurdle, but if they don't

1 have one, there is no personal jurisdiction there. It is not a
2 standing question at that point, that is a jurisdictional
3 question.

4 Does that answer your question, your Honor?

5 *THE COURT:* You did, and I appreciate your
6 explanation. Let me make sure I understand your position.

7 I go back to the specific personal jurisdiction.

8 So, the claim -- they have a claim for injury arising
9 from using your product, and they can tie it to some
10 jurisdiction in the United States, they can sue you somewhere,
11 right? That is how personal jurisdiction works.

12 What I hear you saying is, if they have nobody that
13 has been injured by my product they can't sue me anywhere
14 because then there is no hook to hook personal jurisdiction to
15 in the first place.

16 Is that where you are going?

17 *MR. KLARFELD:* The second half is correct, and the
18 first is almost there.

19 If there is someone who took any Aurobindo product, or
20 X, Y, Z product, whomever, then the answer is, they can't sue
21 anywhere. There is no jurisdictional hook.

22 The only thing I would quibble with on the first part
23 of your Honor's statement is, if in fact they took an Aurobindo
24 product in a jurisdiction, that doesn't mean that by definition
25 there is personal jurisdiction, that just gets us into the

1 world of do they have a specific jurisdiction basis to tie that
2 particular Defendant there, and that gets into all of the
3 discovery that the Plaintiffs are requesting.

4 *THE COURT:* So, the discovery you are requesting, so I
5 understand the framework, that's what you are asking you would
6 like me to authorize you to ask for.

7 *MR. KLARFELD:* Correct. We use this as a threshold
8 issue, just like the threshold issue in Gorby. The threshold
9 issue is, did the Plaintiff take a product that was
10 manufactured by one of the foreign Defendants, by each of the
11 foreign Defendants. We know the answer to that already. For
12 everybody the answer is no. Plaintiffs admitted that in their
13 briefing yesterday.

14 The question is, let's take the consumer class action,
15 can any one of them come forward with evidence to say that they
16 took a product manufactured by the foreign Defendant? If the
17 answer to that question is yes, then you proceed to the entire
18 jurisdictional analysis. Whatever discovery the Court
19 authorizes Plaintiffs to pursue under their request, we proceed
20 with that analysis.

21 If the answer is no, and they can't come forward with
22 a single one of their class rep that took an Aurobindo product,
23 then the answer is, there is no personal jurisdiction. It is
24 game over. And the same thing would be true of Apotex and
25 Cadila and everybody else.

1 *THE COURT:* Isn't the question whether they have
2 alleged someone took your product -- this is not a Motion for
3 Summary Judgment. Haven't they, under Rule 881, pled
4 sufficient facts -- viewed in the light most favorable to them
5 and entitled to the assumption of truth, they have pled it.
6 Isn't that really the standard there or do you disagree with
7 that?

8 *MR. KLARFELD:* I disagree with that. This actually
9 takes us back to one of the arguments that Mr. Gilbert raised.
10 I am going to try to address it this way.

11 Mr. Gilbert correctly noted that in our Motion to
12 Dismiss and in our briefing, our original briefing under
13 jurisdictional discovery, we did not raise the issue of
14 reciprocal discovery. That is true, because our view of the
15 world is that, based on the Complaint as alleged and based on
16 the motion as pled, there is no need for it. The Court
17 disagreed with that and we appreciate that.

18 If Mr. Gilbert agrees to go back to the time that all
19 we do is look at the Complaint and look at the motion, and not
20 do jurisdictional discovery and not have a backdated inquiry,
21 then that is fine. Their motion, their request, which the
22 District Judge granted, was to do jurisdictional discovery.

23 Once you open the door to jurisdictional discovery, we
24 are clearly no longer taking facts as asserted as true. If
25 that were the case, then you would have to take the

1 declarations as true. If you take the declarations as true,
2 then there is nothing to talk about.

3 So, because Plaintiffs are asking to open the door to
4 bring in facts that are not alleged in the Complaint, all we
5 are asking is for the ability to do the same. When counsel is
6 talking about it being a revenge inquiry, I take umbrage with
7 that. It is not my use of the words good for the goose, good
8 for the gander, it is this Court's phraseology. This Court
9 recognized it as an equitable issue.

10 On a threshold issue, yes, the specific holding is
11 different, no doubt, but the general holding on a threshold
12 issue, what is good for the goose is good for the gander. This
13 is a threshold issue.

14 I do disagree a little bit about the facts in the
15 Complaint being accepted as true, but to be clear, the
16 limitations of that are -- we are not asking for a lot of
17 discovery, we are not asking the Plaintiffs to come in and
18 establish defect, causation, even injury. We aren't even
19 asking for that. All we are asking for is for them to achieve
20 the threshold issue of personal jurisdiction.

21 *THE COURT:* You want them to simply identify for you
22 somebody in the United States who took your product and claims
23 they have been injured by it.

24 *MR. KLARFELD:* For the consumer class action
25 Complaint, yes, that is true.

1 THE COURT: What about for the other two? You moved
2 to dismiss all three.

3 MR. KLARFELD: Correct. On the third party payor
4 Complaint, that one is really -- again, that is pretty
5 straightforward also, there are only three class Plaintiffs.
6 So, the issue there is not whether any of them took our
7 product, but whether any of them paid for our product. It's
8 the same type of inquiry, the facts are slightly different, it
9 is not used, it is payment, but it is the same analysis.

10 On the master personal injury Complaint, I recognize
11 that that is a little bit more complicated situation because it
12 is a master Complaint and there is no actual Plaintiff in it.
13 However, contrary to what Mr. Gilbert suggested, there are not
14 800 Plaintiffs who have attempted to use -- I'll just speak
15 about my client for now, Aurobindo. There are not 800
16 Plaintiffs who have attempted to use the master personal injury
17 Complaint to bring claims against Aurobindo. The last I
18 checked, it was in the 20's, maybe up to the 30's now.

19 Just from an equitable standpoint, the Defendants do
20 not get to choose how many Plaintiffs name them in the
21 Complaint. Rightly or wrongly, what they concede from the
22 Plaintiffs' briefing last night, not every Ranitidine purchase
23 made by every Plaintiff in this MDL would have been a product
24 sold by one of the foreign Defendants. That is exactly the
25 point.

1 If they want to maintain claims against the foreign
2 Defendants, it is only appropriate when they actually
3 purchase -- used one of our products. Whether that is in the
4 master personal injury Complaint or whether that is any of the
5 class representatives from either of the class Complaints the
6 analysis is really the same.

7 *THE COURT:* All right.

8 *MR. GILBERT:* Can I respond?

9 *THE COURT:* Yes, in a second, Mr. Gilbert.

10 Mr. Klarfeld, had you finished? Anything further?

11 *MR. KLARFELD:* Yes, your Honor, just a couple of
12 additional points.

13 The first is, your Honor's initial question was, was
14 there any case law saying that this is not permitted? The
15 answer to that question remains no. As a matter of law, there
16 is no case law that says this is not permitted. Certainly
17 there are other cases where the Court said no. Sure that is
18 the case, but is it permitted as a matter of law? The answer
19 is, it is not. And Mr. Gilbert didn't produce a case for you
20 saying otherwise.

21 The second issue -- really just two more here. Mr.
22 Gilbert repeatedly said this doesn't achieve anything. I
23 disagree with that wholeheartedly. In the Court's order, the
24 focus here is about specific jurisdiction. Throughout
25 Plaintiffs' briefing, not once do they dispute the relevance of

1 the proposed discovery as it relates to specific jurisdiction.

2 That makes good sense because specific
3 jurisdiction focuses on a demonstrable nexus between
4 Defendants' alleged conduct and Plaintiffs' claim. So, what
5 does it accomplish? If there is no nexus, there is no specific
6 jurisdiction. If Plaintiffs didn't use or pay for our product,
7 then all the contact in the world would not give rise to
8 jurisdiction.

9 So, to say that this doesn't achieve anything is a
10 gross misunderstanding of the personal jurisdiction analysis
11 and the specific jurisdiction analysis. This actually achieves
12 everything.

13 And then the last point, and this is maybe a little
14 bit -- I wouldn't call it petty, but just to be clear, I
15 believe I heard Mr. Gilbert to say we haven't cited any
16 personal jurisdictional case where the Court permitted personal
17 jurisdiction discovery. That is actually not accurate at all.

18 The Gorby case is a personal jurisdiction case, and
19 that's a case where not only did the Court allow personal
20 jurisdiction discovery, but acknowledged that reciprocity on
21 this issue is equitable, it is permitted.

22 And I would just close by saying, to say that this is
23 tit for tat, again, that is completely inaccurate. Plaintiffs
24 are attempting to seek at least seven interrogatories, 20
25 requests for production. I am certainly not suggesting the

1 Court should say yes to all of those, but we are looking for
2 two of each, and depending how the Plaintiffs respond to them,
3 a few more than that. This is not a tit for tat analysis, all
4 we are looking for is the equitable approach the judge in Gorby
5 took.

6 *THE COURT:* Mr. Gilbert, let me pose a question or
7 two.

8 Assume that all I directed you to do, or all I
9 required you to do was identify what Mr. Klarfeld just said,
10 one Plaintiff for each of the Defendants who can say I either
11 took their product, or I paid for their product. How
12 burdensome would it be for you to have to do that?

13 *MR. GILBERT:* Thank you for the question, Judge.

14 I don't want my answer to be misunderstood by you as
15 suggesting that I would agree with that, but the answer is
16 clearly, under the third -- under the PPP Complaints or under
17 the consumer class Complaints, burdensome wouldn't, in my view,
18 be the problem, okay, if you were to order us, but that is not
19 the issue.

20 I like Mr. Klarfeld, we have gotten along very well,
21 but I want to sum up by saying two things.

22 Number one, in his comments that he just completed he
23 said to you this is tit for tat. He said to you in no
24 uncertain terms, if the Plaintiffs are willing to agree that
25 the Motion to Dismiss for lack of personal jurisdiction can be

1 resolved on papers without their needing any personal
2 jurisdictional discovery, we agree we don't need any discovery.
3 That is tit for tat.

4 With all due respect to Mr. Klarfeld's comment about
5 not confusing jurisdictional analysis, he is one hundred
6 percent wrong. If we prevail on the standing motion that is
7 now before Judge Rosenberg, and we don't, but if we
8 hypothetically had one Plaintiff in the entire consumer class
9 Complaint, not 183, but one Plaintiff, and that one Plaintiff
10 purchased one of the Zantac products from one of the 90
11 Defendants, and if we could show that the product that that
12 Plaintiff purchased from one of those 90 Defendants is
13 substantially similar to the product each marketed,
14 distributed, sold throughout the United States, there is case
15 law, there is precedent that says that is sufficient standing
16 to allow that single person to stand up for millions of others
17 around the country and to have viable claims in a
18 representative capacity against all of the Defendants.

19 And the issue is not personal jurisdiction. Even if
20 that one person never bought Mr. Klarfeld's client's product,
21 Aurobindo, but he bought it from Mr. Henry's products -- Mr.
22 Henry's client, Apotex, it would be sufficient under the law
23 that we have cited, including -- a number of cases that we
24 cited in our papers, including the Ritz-Carlton case, a recent
25 case in the Eleventh Circuit, it would be sufficient for us to

1 proceed against all of these foreign Defendants and the
2 remaining Defendants as well.

3 Mr. Klarfeld's suggestion that we have to have a
4 person who purchased from his client, just one person, to
5 proceed with the jurisdictional analysis, he is wrong in the
6 context of class Complaint, dead wrong.

7 *THE COURT:* Okay. Thank you. Anything further, Mr.
8 Gilbert?

9 *MR. GILBERT:* No, sir.

10 *THE COURT:* I appreciate the argument. Go ahead, Mr.
11 Gilbert.

12 *MR. GILBERT:* Thank you, Judge. I appreciate your
13 patience and the time that you gave to Ms. Goldenberg, to both
14 sides today, and Mr. Maderal, Mr. Terry, Mr. Klarfeld and we
15 all appreciate it and appreciate the Court's involvement in
16 this matter and look forward to hearing from you.

17 As I understood your comments at the beginning of this
18 argument, in the event you should decide that there is some
19 entitlement on the part of the Defendants to jurisdictional
20 discovery, you will give us an opportunity, absent agreement
21 between the parties, to discuss before you what the
22 jurisdictional discovery should be.

23 *THE COURT:* Yes, my intention -- if I conclude there
24 is to be jurisdictional discovery, as Judge Rosenberg and I
25 have consistently done throughout this litigation, try to give

1 you some general parameters of what I think is probably fair
2 game and then allow you the opportunity to meet and confer.

3 My experience, and it has been a pleasant one in the
4 MDL, is that the parties have been extraordinarily productive
5 in being able to meet and confer and reach agreements, because
6 often times the agreements you reach with each other are
7 probably better than the deal either one of you would have
8 gotten from me, and I would give you that opportunity first
9 before I would impose on you something.

10 Yes, you will be given a chance to be heard if that is
11 the road I go down. Before I decide -- before I conclude
12 anything about depositions, I will allow the parties to be
13 heard again about that. But I really think it is best for me
14 to sort through these other issues first to help inform my
15 analysis of what the scope ought to be.

16 Once I figure out the scope, I can figure out what
17 each of you should be allowed to do.

18 With that, let me thank you all. It was a long
19 afternoon. These arguments have been extraordinarily helpful
20 to me, well argued by all counsel. With the Court's thanks, I
21 will get a written order out to you.

22 Have a pleasant Thanksgiving. We will be in recess.
23 Thank you very much.

24 *(Thereupon, the hearing was concluded.)*

25 * * *

1 I certify that the foregoing is a correct transcript
2 from the record of proceedings in the above matter.

3
4 Date: December 1, 2020

5 /s/ Pauline A. Stipes, Official Federal Reporter

6 Signature of Court Reporter
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Pauline A. Stipes, Official Federal Reporter

<p>MR. GILBERT: [26] 3/5 5/17 6/1 7/21 10/19 23/4 23/6 23/9 24/14 26/8 26/23 27/6 28/18 99/19 100/2 107/16 108/9 109/1 110/15 110/24 111/20 112/8 120/7 122/12 124/8 124/11</p> <p>MR. HENRY: [44] 3/17 4/7 6/5 9/11 24/21 28/2 29/9 31/1 31/10 31/23 35/24 36/9 38/24 39/10 39/20 40/12 42/15 50/20 52/7 52/14 60/5 64/22 65/5 71/7 71/11 72/25 73/12 74/3 74/9 74/13 78/2 80/8 80/13 81/18 82/2 83/4 83/16 86/22 89/5 89/12 92/24 94/8 95/6 96/20</p> <p>MR. KLARFELD: [20] 3/22 6/8 6/18 9/15 25/24 29/22 41/7 54/17 55/7 97/5 97/15 98/11 113/4 114/4 115/16 116/6 117/7 118/23 119/2 120/10</p> <p>MR. MADERAL: [54] 3/10 22/24 28/22 32/25 38/10 39/16 41/10 43/2 44/1 46/4 46/10 47/2 47/16 48/23 49/3 49/17 49/19 49/22 52/16 55/23 57/9 59/1 59/15 61/25 63/6 65/9 66/21 67/6 67/10 67/22 68/25 69/4 69/10 69/14 71/22 74/24 76/16 77/20 79/7 80/19 82/5 83/6 83/10 83/21 86/10 86/13 87/16 88/18 91/17 92/3 93/15 95/15 96/1 96/5</p> <p>MS. BATTISTI: [12] 4/2 6/21 10/9 16/8 16/24 19/16 20/4 22/6 26/1 89/22 89/25 92/20</p> <p>MS. GOLDENBERG: [15] 3/12 11/23 13/19 13/24 14/6 14/21 15/9 15/13 15/22 16/7 16/9 16/13 16/19 20/7 21/15</p> <p>THE COURT: [169]</p>	<p>86/24 89/2</p> <p>18 [5] 1/5 83/14 84/18 84/18 89/2</p> <p>180 [2] 100/20 104/18</p> <p>183 [4] 99/1 99/1 99/5 123/9</p> <p>18th [1] 1/24</p> <p>19 [4] 89/22 93/12 93/13 93/14</p> <p>1900 [1] 2/6</p> <p>19103 [1] 1/24</p> <p>1996 [1] 86/10</p> <p>1997 [2] 36/18 36/20</p> <p>2</p> <p>20 [15] 35/3 35/5 35/12 65/13 65/16 71/21 72/13 89/22 93/12 93/14 94/10 95/5 95/6 95/8 121/24</p> <p>20's [1] 119/18</p> <p>20-md-02924-ROSENBERG [1] 1/3</p> <p>20-md-2924 [1] 3/2</p> <p>2009 [2] 33/19 66/8</p> <p>2010 [4] 33/15 33/17 33/19 66/8</p> <p>2011 [2] 33/16 33/19</p> <p>2019 [2] 13/11 13/19</p> <p>2020 [3] 1/5 33/15 126/4</p> <p>215-569-5644 [1] 1/25</p> <p>2150 [1] 1/13</p> <p>216-583-7000 [1] 2/3</p> <p>2185 [2] 5/1 5/6</p> <p>22 [1] 73/12</p> <p>220 [3] 12/3 12/7 14/10</p> <p>223 [3] 12/3 12/7 14/10</p> <p>2293 [2] 5/23 106/16</p> <p>2297 [1] 5/9</p> <p>23 [2] 32/9 32/12</p> <p>255 [1] 1/20</p> <p>257 [1] 56/16</p> <p>2800 [1] 1/17</p> <p>2924 [1] 3/2</p> <p>3</p> <p>30 [1] 86/12</p> <p>30's [1] 119/18</p> <p>300 [1] 72/12</p> <p>305-384-7270 [1] 1/18</p> <p>305-476-7400 [1] 1/21</p> <p>30th [1] 4/25</p> <p>3150 [1] 1/14</p> <p>33 [1] 64/6</p> <p>33134 [2] 1/18 1/21</p> <p>4</p> <p>44113 [1] 2/3</p> <p>5</p> <p>50 [21] 16/17 44/24 45/6 45/18 45/20 46/2 46/4 46/15 46/16 46/21 58/20 58/22 62/14 62/15 62/16 86/1 87/19 88/14 92/15 99/24 113/8</p> <p>50,000 [1] 100/13</p> <p>516-672-9884 [1] 2/7</p> <p>521 [1] 76/6</p> <p>55402 [1] 1/14</p> <p>5644 [1] 1/25</p>	<p>6</p> <p>600 [1] 97/11</p> <p>612-238-3150 [1] 1/14</p> <p>7</p> <p>7-Eleven [3] 85/22 86/17 86/17</p> <p>7-Eleven's [1] 94/13</p> <p>7000 [1] 2/3</p> <p>7270 [1] 1/18</p> <p>7400 [1] 1/21</p> <p>753 [1] 76/5</p> <p>772.467.2337 [1] 2/10</p> <p>8</p> <p>8,000 [1] 105/20</p> <p>800 [8] 1/13 100/10 105/6 105/9 105/13 105/19 119/14 119/15</p> <p>85 [1] 56/15</p> <p>88 [1] 2/5</p> <p>881 [1] 117/3</p> <p>8th [1] 101/9</p> <p>9</p> <p>90 [2] 123/10 123/12</p> <p>9884 [1] 2/7</p> <p>99.9 percent [1] 57/19</p> <p>A</p> <p>A-C-I-C [1] 10/22</p> <p>ability [3] 25/22 62/6 118/5</p> <p>able [6] 11/12 20/20 20/23 101/25 114/1 125/5</p> <p>about [67] 6/1 8/15 8/20 9/18 9/25 10/2 13/23 14/22 19/1 19/9 21/4 21/11 24/13 26/19 28/11 29/16 31/6 32/11 33/4 33/8 34/20 34/24 37/4 40/12 42/12 44/16 44/18 50/15 51/3 52/20 53/15 56/18 57/10 60/25 62/7 63/10 64/22 66/20 68/18 70/13 73/15 74/7 76/24 77/18 78/4 82/8 86/4 94/10 95/9 97/8 98/25 100/5 102/20 104/1 105/11 108/2 111/9 113/15 118/2 118/6 118/14 119/1 119/15 120/24 123/4 125/12 125/13</p> <p>above [1] 126/2</p> <p>absent [1] 124/20</p> <p>absolute [3] 77/11 88/15 91/20</p> <p>absolutely [3] 33/6 39/11 63/24</p> <p>accept [2] 38/11 49/4</p> <p>accepted [2] 104/25 118/15</p> <p>access [1] 56/11</p> <p>accomplish [2] 98/18 121/5</p> <p>accordingly [1] 80/6</p> <p>account [1] 82/24</p> <p>accounts [1] 56/25</p> <p>accurate [1] 121/17</p> <p>achieve [6] 105/4 105/24 106/11 118/19 120/22 121/9</p> <p>achieves [1] 121/11</p> <p>ACIC [2] 10/22 10/23</p>
<p>/</p> <p>/s [1] 126/5</p> <p>1</p> <p>10 [2] 77/22 78/2</p> <p>100 [1] 84/24</p> <p>10005 [1] 2/6</p> <p>11 [8] 48/22 68/4 68/4 74/12 77/22 78/2 79/24 79/25</p> <p>1100 [2] 1/17 2/2</p> <p>119 [1] 38/22</p> <p>12 [6] 33/16 78/21 79/25 79/25 104/24 104/25</p> <p>13 [4] 33/16 80/7 81/21 81/25</p> <p>130 [1] 1/24</p> <p>14 [3] 82/25 83/3 83/6</p> <p>15 [3] 83/5 83/6 86/15</p> <p>1500 [1] 105/12</p> <p>16 [1] 83/8</p> <p>1660 [1] 2/2</p> <p>17 [5] 83/14 83/17 83/23</p>		

A acknowledge [1] 53/20 acknowledged [1] 121/20 Acorda [11] 12/14 13/15 18/6 20/17 44/12 44/23 53/15 53/25 54/1 54/11 84/12 acquired [1] 32/18 across [1] 16/17 act [2] 91/21 92/3 action [14] 16/2 16/6 23/14 23/15 23/16 40/5 40/25 98/20 99/3 106/7 108/24 114/18 116/14 118/24 actions [1] 48/10 activities [5] 18/20 18/22 60/13 60/15 73/18 activity [4] 18/2 60/18 61/17 87/10 acts [6] 33/17 34/8 34/12 34/12 63/22 63/22 acts that [1] 34/12 actual [2] 84/5 119/12 actually [29] 13/10 15/19 21/6 25/10 31/12 46/8 47/17 51/18 55/2 55/9 56/9 56/13 61/14 63/19 65/22 79/5 82/16 84/13 93/6 96/24 98/3 98/17 100/8 108/2 109/8 117/8 120/2 121/11 121/17 add [9] 10/11 14/24 15/1 25/24 26/1 29/22 45/11 61/25 76/17 additional [6] 14/13 14/19 34/23 49/25 64/12 120/12 address [25] 7/7 7/11 7/21 7/25 9/13 10/7 11/8 11/18 16/4 25/16 25/20 27/12 30/18 37/10 60/24 65/10 76/14 82/8 82/15 89/20 94/9 95/14 97/1 97/12 117/10 addressed [3] 5/11 31/12 105/25 addresses [2] 8/9 65/23 addressing [1] 10/6 adjudicated [1] 100/14 adjusted [1] 98/20 Administration [1] 44/21 admit [2] 44/4 70/6 admitted [1] 116/12 adopting [1] 97/22 advance [1] 102/21 advertise [1] 78/14 advised [1] 24/10 advisement [6] 21/24 22/1 27/15 27/17 42/12 95/11 affidavit [5] 15/15 21/15 42/4 81/6 81/8 affidavits [4] 49/7 81/4 81/7 95/1 affiliate [4] 67/1 70/19 76/2 94/19 affiliates [4] 48/10 56/7 75/15 78/9 affirmative [1] 92/2 afford [1] 97/24 after [7] 9/10 36/24 42/12 101/24 101/24 102/19 105/15	afternoon [11] 3/1 3/6 3/10 3/11 3/13 3/16 3/20 3/23 3/25 4/16 125/19 afterward [1] 13/21 again [29] 13/15 20/1 20/21 21/22 22/1 22/24 25/8 37/9 37/15 49/10 57/11 58/17 64/24 69/7 71/10 71/12 71/24 73/20 74/6 75/4 88/11 91/7 94/20 95/2 96/2 113/6 119/4 121/23 125/13 against [21] 10/18 17/19 19/12 19/23 23/22 24/2 88/18 88/20 88/21 103/15 106/21 108/16 109/25 111/19 113/1 114/2 114/2 119/17 120/1 123/18 124/1 agency [34] 13/6 13/25 14/2 14/4 14/5 15/8 15/9 19/2 22/17 22/18 23/13 24/5 25/6 25/7 25/8 25/10 26/7 34/6 34/11 37/17 48/11 55/1 56/3 62/13 67/15 70/7 70/11 70/17 76/2 76/7 78/12 79/7 79/13 79/22 agenda [1] 95/13 agent [3] 14/1 26/14 47/14 agents [5] 55/18 55/22 69/10 69/18 69/19 ago [1] 98/13 agree [21] 19/15 20/9 20/9 32/1 35/14 37/7 38/13 44/12 51/23 63/24 64/17 65/1 68/14 71/17 80/14 99/10 102/8 103/21 122/15 122/24 123/2 agreeable [1] 52/4 agreed [1] 93/19 agreement [9] 51/21 66/24 72/13 72/14 73/2 73/5 73/24 84/1 124/20 agreements [12] 48/5 71/14 71/19 71/23 72/2 72/6 72/12 72/20 72/20 72/22 125/5 125/6 agrees [4] 112/23 113/22 113/23 117/18 ahead [3] 81/21 88/12 124/10 aid [2] 75/24 85/16 air [1] 71/3 Ajanta [1] 109/19 Alhambra [1] 1/20 all [114] 4/18 5/14 9/7 11/5 15/24 16/12 16/12 17/7 18/20 18/23 22/13 24/13 24/20 28/20 28/22 29/3 30/16 33/19 34/20 34/21 35/9 35/13 35/14 38/22 40/16 40/19 42/5 42/11 43/4 44/4 44/24 45/6 45/18 45/20 46/2 46/4 46/15 46/16 46/21 47/20 48/22 48/22 49/3 49/22 50/12 53/19 63/21 64/1 64/13 65/9 65/20 67/13 67/19 69/22 69/23 69/24 72/22 72/22 76/21 76/23 77/3 77/11 77/14 77/23 78/22 79/1 79/5 80/3 83/21 83/25 84/1 86/1 87/19 89/18 90/16 92/15 93/2 95/10 95/11 96/6 97/15 99/13	99/17 99/24 99/24 100/4 100/7 101/10 102/7 105/15 106/13 108/10 109/2 110/17 114/14 114/14 116/2 117/18 118/4 118/19 119/2 120/7 121/7 121/17 122/1 122/3 122/8 122/8 123/4 123/18 124/1 124/15 125/18 125/20 allegation [8] 16/16 25/6 25/7 59/18 67/10 67/25 69/9 69/14 allegations [22] 12/4 14/8 14/11 17/8 17/11 17/13 25/8 46/14 56/2 59/20 59/22 61/19 68/8 68/10 68/11 68/13 68/19 71/5 98/18 101/11 104/9 104/24 allege [10] 15/12 46/2 46/5 59/21 59/22 68/15 73/9 98/22 101/14 104/6 alleged [23] 4/20 17/4 17/20 18/1 18/2 35/16 36/21 46/12 58/25 67/5 68/3 99/23 100/22 102/18 104/17 104/19 104/21 104/23 109/12 117/2 117/15 118/4 121/4 alleging [4] 16/11 48/6 48/8 52/23 allow [15] 7/17 11/11 11/12 11/16 16/17 67/9 95/22 95/22 97/13 112/2 112/13 121/19 123/16 125/2 125/12 allowed [5] 17/17 37/13 68/3 104/14 125/17 allows [2] 58/14 64/6 almost [3] 39/4 79/12 115/18 alone [6] 12/22 17/13 17/16 18/16 24/8 46/9 along [3] 3/8 4/21 122/20 alphabetically [1] 4/6 already [16] 10/5 20/17 21/12 51/20 63/11 63/25 64/5 64/9 64/18 82/25 83/15 83/17 83/24 87/8 100/11 116/11 also [34] 3/14 4/22 12/25 13/3 18/5 19/7 19/10 20/19 24/6 33/25 44/14 45/8 48/8 51/8 52/25 53/12 54/20 56/7 56/16 58/7 68/14 70/7 78/21 79/8 79/13 79/18 80/22 81/12 82/20 84/6 85/22 86/1 87/3 119/5 alter [30] 19/1 22/17 22/18 23/13 24/5 26/6 26/14 34/7 34/11 37/17 47/14 48/11 55/1 55/18 55/22 56/3 57/3 61/4 61/11 67/5 67/15 68/23 69/10 70/5 70/11 70/17 78/4 78/7 79/2 79/7 alternative [1] 5/7 Altonaga [1] 107/13 always [3] 56/4 56/5 79/12 am [73] 4/18 6/15 6/18 9/12 10/3 14/16 20/12 21/9 21/12 21/23 22/12 26/22 27/13 27/14 28/19 30/24 31/9 31/18 42/11 44/22 45/13 46/10 46/11 47/4 47/5 51/24 59/10
---	---	---

<p>A</p> <p>am... [46] 64/16 64/22 67/21 68/21 69/22 75/4 75/5 75/23 76/4 76/12 76/23 77/25 78/21 80/10 90/20 90/21 90/23 91/3 91/13 91/14 91/24 93/14 95/2 95/3 95/18 95/19 96/9 96/18 96/21 96/22 99/20 101/1 101/7 104/9 105/11 109/25 110/1 110/4 111/21 113/5 113/5 113/15 114/4 114/5 117/10 121/25</p> <p>amenable [1] 114/17</p> <p>amend [2] 14/24 111/13</p> <p>amended [1] 45/14</p> <p>amendment [1] 15/1</p> <p>America [4] 58/21 58/23 87/19 88/22</p> <p>amount [3] 43/7 50/8 50/9</p> <p>amputation [1] 76/6</p> <p>analogous [1] 12/23</p> <p>analogy [2] 88/10 92/3</p> <p>analysis [27] 26/17 33/5 44/13 55/25 56/8 62/11 62/19 70/17 71/1 73/4 76/7 78/24 79/12 79/17 79/22 84/15 88/23 116/18 116/20 119/9 120/6 121/10 121/11 122/3 123/5 124/5 125/15</p> <p>analyzed [1] 17/11</p> <p>and the [1] 21/3</p> <p>and/or [6] 24/3 56/3 69/20 93/20 104/21 104/21</p> <p>ANDA [51] 12/4 12/10 12/15 12/18 17/21 17/21 18/1 18/9 18/13 19/5 19/10 27/3 27/6 33/18 36/15 36/18 36/18 53/16 54/2 58/7 58/11 58/12 58/14 58/16 59/19 59/24 60/8 60/13 63/6 63/7 63/12 63/18 69/20 83/19 84/4 84/6 84/14 84/23 84/24 84/25 85/2 85/12 87/8 90/4 91/12 91/24 92/12 92/13 92/23 93/1 93/10</p> <p>ANDAs [7] 51/14 51/16 58/9 83/18 83/23 84/23 84/23</p> <p>anecdotal [1] 81/5</p> <p>announced [1] 10/23</p> <p>annual [2] 43/7 51/15</p> <p>another [13] 8/13 9/9 9/17 10/15 26/6 29/5 29/5 46/23 53/14 82/16 82/17 89/9 92/3</p> <p>answer [44] 23/11 27/7 27/8 30/2 30/17 32/1 32/22 32/23 44/2 44/10 45/13 55/5 55/7 55/10 55/21 56/13 64/1 64/3 64/10 64/17 64/18 65/1 65/1 66/13 66/17 77/17 77/19 111/23 111/23 112/9 114/6 114/6 114/8 115/4 115/20 116/11 116/12 116/17 116/21 116/23 120/15 120/18 122/14 122/15</p> <p>answered [2] 44/8 112/18</p> <p>answering [1] 51/3</p> <p>answers [3] 63/9 97/11 114/6</p> <p>anticipated [1] 107/23</p>	<p>any [81] 5/15 6/3 8/16 10/3 10/12 11/8 17/14 17/15 18/2 18/17 18/19 19/19 20/2 23/19 24/8 27/14 27/22 28/4 29/1 29/19 30/16 33/21 34/11 37/23 38/8 38/23 40/6 42/6 42/21 42/25 45/18 46/16 58/24 60/5 60/15 60/17 60/18 61/3 68/20 68/24 69/13 71/6 72/4 72/25 76/21 76/23 77/3 77/8 77/8 77/13 84/6 85/1 85/1 86/11 86/22 91/25 95/5 95/23 97/8 97/18 99/5 99/6 99/7 101/15 105/18 107/6 112/13 113/1 114/13 114/14 114/14 114/15 115/19 116/15 119/6 119/7 120/4 120/14 121/15 123/1 123/2</p> <p>anybody [3] 52/12 57/6 83/2</p> <p>anyone [4] 4/6 18/21 75/6 82/2</p> <p>anything [41] 5/25 6/3 6/8 6/20 8/8 10/10 15/4 19/22 20/4 25/24 26/1 29/9 29/22 42/4 42/8 52/13 61/23 61/25 63/3 66/7 78/1 81/17 83/2 83/4 83/6 83/9 83/15 89/7 92/1 92/6 92/7 92/12 105/4 106/12 110/1 110/4 120/10 120/22 121/9 124/7 125/12</p> <p>anywhere [4] 54/7 57/9 115/13 115/21</p> <p>apart [4] 34/6 34/11 70/17 84/9</p> <p>apologize [8] 20/19 23/6 24/12 47/4 76/17 82/11 95/16 96/3</p> <p>Apotex [23] 3/17 3/19 24/23 35/1 36/17 42/21 44/20 48/14 48/15 66/9 71/20 73/14 81/3 84/24 85/11 85/15 85/18 89/14 93/18 96/11 109/18 116/24 123/22</p> <p>Apotex's [3] 85/9 93/20 113/20</p> <p>Appeals [1] 18/7</p> <p>Appeals looked [1] 18/7</p> <p>appear [1] 55/9</p> <p>appearance [1] 10/23</p> <p>appeared [1] 109/8</p> <p>appearing [2] 3/8 3/19</p> <p>application [6] 12/10 27/3 36/15 60/3 63/19 84/17</p> <p>applications [3] 62/8 62/25 63/14</p> <p>applied [2] 12/10 58/11</p> <p>applies [3] 62/15 94/11 107/5</p> <p>apply [11] 12/7 24/6 30/1 44/24 45/20 58/7 58/13 58/17 62/14 94/12 94/13</p> <p>applying [3] 33/18 62/12 63/5</p> <p>applying for [1] 62/12</p> <p>appreciate [15] 7/1 9/2 9/3 36/7 38/1 41/8 55/8 80/3 114/5 115/5 117/17 124/10 124/12 124/15 124/15</p>	<p>approach [1] 122/4</p> <p>appropriate [11] 10/7 29/13 31/14 36/14 37/7 39/22 61/7 95/24 97/24 100/15 120/2</p> <p>approval [5] 62/9 63/17 74/6 90/5 90/8</p> <p>approval for [1] 63/17</p> <p>approval from [1] 90/8</p> <p>approvals [1] 44/20</p> <p>approve [1] 87/23</p> <p>approved [4] 36/18 62/13 62/15 62/16</p> <p>approximately [1] 100/20</p> <p>are [390]</p> <p>are two [1] 60/1</p> <p>area [1] 44/4</p> <p>areas [1] 57/19</p> <p>aren't [5] 28/11 78/5 108/17 108/25 118/18</p> <p>argue [8] 7/14 8/17 8/18 11/3 56/9 78/12 95/25 104/25</p> <p>argued [3] 21/23 83/2 125/20</p> <p>arguing [5] 11/4 28/13 59/13 59/16 90/18</p> <p>argument [49] 8/14 8/25 18/17 19/7 19/9 25/1 38/18 42/13 50/17 60/23 61/24 72/3 74/19 81/25 82/1 86/13 88/1 88/18 89/1 91/4 91/14 91/15 93/13 94/10 96/17 97/10 102/3 106/5 107/2 107/10 107/11 107/16 107/18 109/5 110/13 110/18 110/22 111/10 111/16 111/18 113/4 113/7 113/24 114/1 114/3 114/11 114/13 124/10 124/18</p> <p>arguments [5] 19/1 28/20 83/3 117/9 125/19</p> <p>arise [8] 33/12 40/5 60/11 62/24 62/25 73/4 88/11 92/6</p> <p>arising [2] 57/15 115/8</p> <p>arm [1] 22/16</p> <p>arm's [3] 47/11 55/17 74/21</p> <p>around [3] 38/23 100/10 123/17</p> <p>Articles [2] 65/25 66/24</p> <p>as [163]</p> <p>Asahi [10] 42/18 42/18 43/10 47/20 52/25 62/21 70/12 70/14 79/18 88/4</p> <p>aside [3] 39/7 56/2 58/19</p> <p>ask [21] 4/5 7/14 10/16 22/9 36/15 37/4 67/4 69/7 77/9 77/15 77/16 79/3 80/17 84/8 89/19 107/14 111/12 111/21 112/6 112/21 116/6</p> <p>asked [9] 21/9 21/12 29/1 55/3 72/11 83/1 101/3 112/22 113/25</p> <p>asking [38] 16/20 34/25 35/9 36/6 38/22 46/10 54/14 64/11 77/3 77/4 77/18 80/24 83/23 85/17 86/4 86/9 87/12 87/13 87/16 87/20 97/7 97/15 98/24 99/13 99/15 102/22 103/1 109/25 111/24 112/18 114/7 116/5 118/3 118/5 118/16 118/17 118/19 118/19</p>
---	---	--

A asking you [1] 116/5 asks [2] 54/19 110/7 aspects [1] 110/3 asserted [3] 101/16 103/5 117/24 assessing [1] 19/15 assume [9] 49/12 87/12 87/16 111/8 111/11 111/14 112/23 113/23 122/8 assumed [3] 46/15 55/16 70/2 assumption [1] 117/5 assurance [2] 40/14 40/15 assure [1] 75/7 attach [1] 75/19 attached [1] 101/9 attachment [2] 7/1 95/12 attempted [3] 9/21 119/14 119/16 attempting [1] 121/24 attention [2] 97/19 98/15 Aurobindo [9] 3/21 3/24 114/20 115/19 115/23 116/22 119/15 119/17 123/21 authority [4] 8/24 26/24 103/24 106/21 authorize [1] 116/6 authorized [1] 62/3 authorizes [1] 116/19 avail [5] 46/24 63/4 90/19 91/5 91/8 available [2] 65/2 67/24 availing [4] 48/7 85/25 91/21 91/21 availment [30] 33/17 34/8 34/13 41/14 41/15 41/21 42/1 43/12 43/21 43/22 45/19 45/23 46/2 57/14 59/14 59/17 59/25 60/2 60/7 62/18 62/23 63/22 65/24 70/8 70/18 72/8 73/2 84/15 88/15 91/20 availment in [1] 60/7 Avenue [1] 1/13 avenues [2] 63/20 63/21 avoiding [1] 61/15 awake [1] 99/20 aware [3] 49/25 61/3 81/3	26/12 28/5 29/2 29/24 49/14 49/14 65/22 68/23 70/4 79/22 101/16 107/17 111/16 117/15 117/15 bases [1] 81/9 basically [4] 36/3 37/23 61/24 73/9 basis [16] 12/22 33/12 42/2 43/7 52/21 59/2 59/3 59/5 60/18 64/11 68/3 68/5 68/8 75/12 104/14 116/1 Bates [3] 63/9 63/12 64/2 baton [1] 28/20 BATTISTI [18] 2/4 4/4 4/10 6/20 10/8 10/9 11/3 11/20 16/23 16/24 20/4 20/9 22/2 26/1 89/23 92/18 97/3 103/11 be [166] BEACH [3] 1/2 1/5 2/10 because [67] 4/5 7/19 11/10 11/17 17/14 17/19 18/13 18/13 19/3 19/10 24/10 26/7 26/12 26/19 28/4 29/11 31/13 38/6 40/4 45/1 46/12 49/6 49/12 51/8 51/25 54/3 54/5 54/9 55/1 56/12 56/19 60/8 60/23 66/22 72/9 73/5 73/17 78/6 78/22 79/6 81/13 82/7 82/9 82/19 84/10 84/19 85/23 87/9 90/22 91/24 92/6 92/14 94/14 95/20 100/23 101/2 103/4 104/12 105/18 110/2 113/4 115/14 117/14 118/3 119/11 121/2 125/5 become [1] 84/7 becomes [2] 31/14 32/19 becoming [1] 71/25 been [34] 4/19 7/3 8/6 10/18 10/21 27/1 28/6 29/21 36/25 50/20 58/8 61/17 65/12 73/10 85/4 88/8 88/9 88/24 102/10 106/2 106/4 106/13 106/25 107/20 107/21 108/14 109/2 110/6 115/13 118/23 119/23 125/3 125/4 125/19 before [38] 1/9 4/16 6/11 7/5 23/21 24/17 27/18 31/16 36/12 36/15 36/19 36/20 50/22 67/8 81/1 82/2 85/21 85/23 86/8 88/6 88/7 101/22 102/21 105/21 106/2 108/3 108/4 109/5 109/24 111/4 112/3 112/14 114/9 123/7 124/21 125/9 125/11 125/11 began [1] 37/6 begin [1] 3/5 beginning [2] 70/10 124/17 behalf [22] 3/12 3/14 3/24 4/4 4/7 4/9 4/10 4/13 9/4 10/23 11/3 11/4 13/17 29/19 56/14 57/7 58/3 81/8 89/24 98/7 100/9 109/15 behaviors [1] 73/11 behind [4] 31/17 110/9 110/24 111/6 being [22] 11/17 16/12 17/21 18/3 19/10 27/22 42/19 46/20 65/8 67/15 70/13 73/16 84/2	87/7 93/1 94/15 104/15 105/25 108/25 118/6 118/15 125/5 belief [1] 77/11 believe [44] 5/17 6/4 10/20 13/20 14/14 15/16 22/22 26/25 28/3 28/4 28/7 29/3 29/19 31/13 34/22 35/17 36/5 43/3 47/15 57/11 59/17 62/5 63/8 64/3 64/6 64/9 66/11 77/9 81/4 81/6 82/9 82/10 82/10 84/10 86/11 87/24 97/18 107/17 108/10 109/5 109/20 110/16 114/17 121/15 bench [2] 11/13 11/14 benefit [1] 42/19 Berne [1] 2/1 best [4] 31/12 49/15 114/7 125/13 better [6] 7/24 8/12 44/9 95/23 111/11 125/7 between [11] 25/10 50/7 66/19 68/11 71/14 73/5 74/20 75/2 78/8 121/3 124/21 beyond [4] 40/1 40/8 74/6 84/16 big [3] 37/1 37/2 74/13 bigger [1] 7/6 Bill [1] 59/6 bind [1] 19/3 binder [1] 39/2 bit [9] 16/21 26/23 68/2 74/6 100/4 107/9 118/14 119/11 121/14 bland [1] 70/2 Blank [1] 1/23 blunter [1] 30/11 bluntly [1] 48/17 board [4] 65/14 65/17 76/9 80/21 bone [1] 72/17 bones [3] 67/16 71/4 84/16 both [11] 8/23 9/1 9/22 21/23 43/11 60/23 61/12 92/21 95/7 96/25 124/13 bottom [1] 99/16 bought [7] 104/21 105/8 109/8 113/11 113/20 123/20 123/21 Boulevard [1] 1/17 bounds [1] 27/22 brain [1] 77/19 brand [6] 58/15 85/6 85/7 99/4 104/22 109/22 branded [1] 69/18 brands [1] 85/14 break [1] 81/22 brevity [1] 60/22 bridge [1] 91/3 brief [2] 111/2 111/3 briefed [1] 24/20 briefing [5] 116/13 117/12 117/12 119/22 120/25 bring [7] 16/3 18/3 106/14 109/15 113/1 118/4 119/17 bring claims [1] 113/1 broad [7] 37/8 50/13 50/15 71/19 71/20 75/11 81/2
B back [35] 11/24 13/15 14/25 16/23 20/20 21/24 21/25 23/18 26/3 26/10 32/8 32/12 36/9 36/15 45/13 50/19 51/14 56/17 60/5 60/19 68/2 68/7 70/1 70/9 71/6 73/20 76/16 80/10 81/24 86/24 89/3 95/14 115/7 117/9 117/18 backdated [1] 117/20 backdrop [2] 100/4 103/4 bad [2] 61/16 73/10 bag [1] 71/3 bank [1] 56/25 bare [2] 67/16 71/4 bargain [1] 109/25 barrier [1] 11/9 based [23] 4/20 8/22 23/13 23/25 24/3 24/4 26/5 26/11		

B broke [1] 9/24 brother [3] 35/24 61/5 79/1 brother/sister [1] 61/5 brothers [2] 61/9 78/8 brought [2] 92/19 104/4 BRUCE [1] 1/9 bucket [2] 77/23 78/21 buckets [2] 30/10 35/22 building [1] 45/23 bulk [1] 103/24 bunch [1] 49/1 burden [10] 17/9 34/19 38/18 38/20 38/23 39/6 50/14 55/9 65/4 72/10 burdens [1] 30/11 burdensome [11] 7/20 44/5 44/8 45/16 64/19 65/12 66/11 71/21 71/25 122/12 122/17 business [12] 17/7 18/19 21/18 31/21 32/20 34/17 35/7 73/10 77/6 78/6 78/18 94/16	capacity [1] 123/18 capitalization [1] 76/10 car [1] 31/7 careful [2] 76/19 76/19 Carlton [1] 123/24 carry [1] 18/21 carve [2] 56/21 72/8 carved [1] 42/18 carving [1] 41/23 case [86] 1/3 3/1 6/24 10/19 10/21 12/13 12/14 12/14 13/16 17/2 17/13 17/23 18/5 18/7 20/16 20/17 25/18 26/25 35/1 35/15 41/17 44/16 44/18 44/18 44/20 45/18 49/25 53/16 56/3 56/10 56/16 57/1 59/20 61/3 61/6 62/3 62/21 66/5 68/15 76/18 78/10 79/10 81/3 84/12 87/2 87/25 91/3 92/5 92/8 92/11 93/18 93/24 93/25 97/20 98/1 98/4 98/4 98/16 98/19 98/19 98/21 99/11 100/20 100/25 104/1 104/3 104/14 106/22 106/23 106/24 107/7 107/13 108/20 110/4 117/25 120/14 120/16 120/18 120/19 121/16 121/18 121/18 121/19 123/14 123/24 123/25 case of [1] 17/2 cases [14] 21/25 27/1 47/21 51/18 62/22 68/18 70/12 71/2 98/5 100/15 106/15 106/23 120/17 123/23 cast [1] 73/8 causation [1] 118/18 cause [2] 40/4 40/25 causes [1] 63/1 center [1] 94/18 centerpiece [1] 28/8 centrality [1] 62/10 CEO [4] 48/14 48/15 48/25 75/16 CEOs [1] 50/3 certain [5] 7/18 10/3 13/12 34/9 94/22 certainly [12] 11/8 14/23 18/22 20/15 21/19 22/6 39/5 46/16 59/6 88/24 120/16 121/25 certification [1] 84/14 certify [1] 126/1 chain [3] 21/4 53/5 94/6 challenge [2] 24/9 106/19 chance [5] 9/6 38/14 76/14 77/19 125/10 change [1] 38/7 changed [6] 32/15 35/2 35/5 39/5 86/18 88/23 charge [1] 58/3 chart [4] 7/1 27/10 27/11 36/3 check [1] 5/15 checked [1] 119/18 checking [1] 41/19 Chinese [1] 76/5 choose [1] 119/20 Circle [1] 1/20	Circuit [4] 26/25 68/18 106/24 123/25 Circuit's [1] 76/4 circular [2] 54/21 56/9 circumstance [3] 70/23 79/16 79/21 circumstances [1] 7/18 circumstantial [2] 91/5 91/16 circumstantial inference [1] 91/16 circumstantially [2] 43/5 43/6 citation [1] 57/5 cite [3] 53/2 56/15 70/14 cited [15] 12/2 14/9 14/11 21/25 27/2 49/24 53/16 98/5 103/25 106/15 106/18 106/23 121/15 123/23 123/24 civil [3] 55/25 68/7 109/3 claim [11] 53/9 73/4 85/19 104/4 108/16 108/18 109/10 109/12 115/8 115/8 121/4 claims [18] 42/3 57/15 60/11 60/14 60/17 62/24 62/25 73/13 87/10 88/11 100/13 100/14 109/15 113/1 118/22 119/17 120/1 123/17 clarification [4] 5/5 5/22 9/3 39/19 clarified [1] 5/10 clarify [8] 7/7 7/15 38/24 46/19 62/1 77/13 103/2 114/7 clarifying [7] 4/14 5/24 11/6 36/8 39/12 74/8 94/7 class [39] 16/2 16/5 23/14 23/15 23/16 23/18 23/20 24/6 25/8 98/20 99/2 99/3 100/5 100/18 100/20 103/7 104/17 106/1 106/7 108/24 109/7 109/12 109/14 111/9 111/10 111/20 112/25 113/21 114/18 114/19 116/14 116/22 118/24 119/5 120/5 120/5 122/17 123/8 124/6 classic [3] 75/25 76/11 88/15 clause [4] 74/2 74/3 74/4 74/9 clear [17] 9/21 9/25 13/16 37/11 38/25 42/3 45/4 62/7 68/15 71/4 72/8 77/8 91/11 92/14 114/25 118/15 121/14 clearcut [1] 88/15 cleared [1] 69/3 clearly [5] 56/18 107/23 109/10 117/24 122/16 clerical [1] 40/10 Cleveland [1] 2/3 client [11] 4/6 9/5 29/18 32/9 35/1 89/17 113/1 113/1 119/15 123/22 124/4 client's [1] 123/20 clients [2] 73/9 105/14 clients' [1] 98/21 close [4] 61/14 104/3 104/15 121/22 closely [4] 37/18 48/17
C Cadila [52] 4/1 4/4 4/10 10/11 10/18 10/24 10/24 11/4 11/19 11/23 12/8 12/10 12/18 12/24 12/25 13/17 14/1 15/7 15/12 15/15 15/18 15/21 16/6 17/5 17/9 17/16 17/25 18/1 18/3 18/13 18/18 19/3 19/7 19/9 19/12 19/23 21/2 21/3 21/13 58/11 62/4 69/4 69/6 81/5 82/11 89/24 90/8 93/6 93/24 93/25 103/13 116/25 Cadila has [1] 10/11 Cadila's [1] 16/14 call [2] 20/20 121/14 calling [1] 41/5 can [74] 7/7 8/17 20/2 22/6 22/12 23/4 23/8 26/4 26/22 27/9 30/17 34/13 35/4 35/5 36/3 41/23 43/13 45/7 47/12 48/22 49/9 50/2 50/4 54/23 55/23 57/25 58/13 60/22 63/9 63/11 64/4 64/23 66/2 66/16 67/13 69/17 71/10 72/11 72/19 72/19 74/18 75/19 77/17 78/25 83/24 84/21 84/25 85/1 85/13 85/13 89/9 89/24 91/10 97/5 97/5 97/8 99/24 99/25 100/2 103/12 107/2 111/22 112/25 112/25 113/9 113/21 114/19 115/9 115/10 116/15 120/8 122/10 122/25 125/16 can't [17] 17/25 27/7 47/14 50/5 50/8 55/21 55/22 60/18 67/17 68/15 99/14 103/12 104/13 108/17 115/13 115/20 116/21 Canada [2] 48/15 73/14 cancer [1] 63/1 candid [2] 32/14 89/13 candidly [1] 14/22 cannot [7] 7/17 18/12 18/15 33/21 45/19 62/11 96/14		

<p>C</p> <p>closely... [2] 70/20 85/10</p> <p>closer [1] 74/21</p> <p>co [2] 3/7 69/18</p> <p>co-branded [1] 69/18</p> <p>co-lead [1] 3/7</p> <p>code [1] 93/6</p> <p>codes [1] 62/17</p> <p>Coleman [1] 10/22</p> <p>colleague [1] 22/6</p> <p>colleagues [1] 3/8</p> <p>collegial [1] 102/16</p> <p>Colorado [1] 87/15</p> <p>Colson [1] 1/20</p> <p>combination [2] 8/23 9/1</p> <p>combine [1] 61/24</p> <p>combined [1] 32/18</p> <p>come [15] 16/23 44/11 46/22 70/1 70/9 74/22 76/23 88/6 91/24 102/13 102/18 114/19 116/15 116/21 118/17</p> <p>comes [1] 52/8</p> <p>coming [3] 71/25 92/3 102/21</p> <p>commend [1] 95/11</p> <p>comment [4] 29/10 95/5 98/12 123/4</p> <p>comments [6] 77/8 78/4 78/19 96/21 122/22 124/17</p> <p>commerce [7] 18/24 22/19 23/13 24/5 53/7 54/7 79/11</p> <p>commercialize [1] 51/10</p> <p>committing [1] 13/7</p> <p>common [1] 56/8</p> <p>commonly [1] 35/10</p> <p>communicate [1] 59/12</p> <p>communicated [1] 57/6</p> <p>communicating [2] 58/8 59/13</p> <p>communication [1] 62/8</p> <p>communications [4] 45/5 57/12 62/8 94/4</p> <p>companies [6] 50/3 57/20 69/17 94/2 94/3 109/21</p> <p>company [9] 33/14 35/24 39/2 65/12 65/13 71/20 72/1 79/1 87/22</p> <p>compare [3] 43/12 43/15 100/18</p> <p>compelled [1] 29/16</p> <p>competent [1] 19/19</p> <p>complain [1] 9/17</p> <p>complaint [77] 12/3 13/21 13/25 14/23 14/24 16/6 16/7 17/5 17/16 17/20 21/2 22/22 23/11 23/14 23/15 23/16 24/16 25/6 29/4 32/5 33/7 33/24 46/1 48/21 49/21 49/23 58/24 59/7 67/5 67/9 67/13 67/20 68/12 68/19 68/22 69/8 69/11 69/12 98/22 99/3 100/5 100/6 100/8 100/18 100/19 100/20 100/21 103/7 103/7 104/7 104/11 104/17 104/19 105/13 106/9 108/6 108/23 108/24 109/7 109/7 109/13 109/13 111/13 114/18 117/15 117/19 118/4 118/15 118/25 119/4 119/10 119/12 119/17</p>	<p>119/21 120/4 123/9 124/6</p> <p>complaints [25] 15/23 16/3 16/11 21/14 22/1 23/18 23/20 23/22 24/1 24/7 24/7 24/21 25/8 69/23 73/9 100/11 105/7 105/10 105/14 105/19 105/20 106/1 120/5 122/16 122/17</p> <p>complement [1] 77/7</p> <p>completed [1] 122/22</p> <p>completely [2] 54/21 121/23</p> <p>completion [1] 111/1</p> <p>complex [3] 31/15 32/16 32/19</p> <p>complicated [1] 119/11</p> <p>comply [1] 13/7</p> <p>component [3] 20/10 88/4 88/7</p> <p>component of [1] 88/4</p> <p>compromise [1] 50/20</p> <p>concede [4] 17/2 110/1 110/4 119/21</p> <p>conceded [1] 94/25</p> <p>concept [4] 33/20 33/22 54/5 57/4</p> <p>concepts [1] 34/6</p> <p>concern [6] 28/9 29/17 30/20 30/21 39/1 41/1</p> <p>concerned [1] 40/12</p> <p>concerns [3] 30/7 44/9 75/23</p> <p>conclude [2] 124/23 125/11</p> <p>concluded [1] 125/24</p> <p>conclusion [6] 11/10 11/13 49/14 67/9 67/16 112/10</p> <p>conclusions [1] 68/16</p> <p>conclusory [6] 14/3 46/3 67/16 68/15 68/22 69/8</p> <p>conduct [17] 8/16 9/22 12/24 14/9 14/15 18/2 35/17 36/21 36/21 40/4 40/5 46/2 62/4 73/5 97/23 101/21 121/4</p> <p>conducting [1] 61/16</p> <p>confer [8] 9/6 9/21 10/4 11/11 11/16 102/20 125/2 125/5</p> <p>conference [2] 1/9 3/3</p> <p>conferred [1] 8/2</p> <p>confering [2] 101/24 102/14</p> <p>confers [3] 82/10 96/7 102/16</p> <p>confident [1] 50/15</p> <p>confirm [1] 107/10</p> <p>conflating [1] 31/9</p> <p>confront [1] 47/16</p> <p>confused [2] 11/6 46/11</p> <p>confusing [1] 123/5</p> <p>connected [2] 60/15 87/7</p> <p>consent [1] 6/24</p> <p>consider [2] 20/2 82/17</p> <p>considered [2] 52/25 88/3</p> <p>considering [1] 22/13</p> <p>consistently [1] 124/25</p> <p>construed [1] 60/16</p> <p>consumer [16] 23/15 98/20 99/3 100/18 100/20 104/17 104/18 106/1 108/23 109/7 109/12 114/18 116/14 118/24 122/17 123/8</p> <p>contact [3] 53/21 113/2</p>	<p>121/7</p> <p>contacting [1] 90/21</p> <p>contacts [5] 43/5 45/10 45/12 46/15 101/17</p> <p>contain [1] 25/6</p> <p>contained [3] 27/20 51/13 83/19</p> <p>containing [10] 29/2 51/1 51/4 51/19 71/17 73/23 73/25 80/16 90/9 94/12</p> <p>contemporaneously [1] 23/17</p> <p>contest [1] 102/1</p> <p>contested [1] 23/20</p> <p>contesting [1] 98/24</p> <p>context [10] 24/6 33/12 53/8 92/10 100/17 101/4 101/5 106/19 107/5 124/6</p> <p>continue [3] 13/13 73/2 81/24</p> <p>contracting [2] 85/8 85/20</p> <p>contracts [3] 33/18 34/10 50/6</p> <p>contrary [2] 77/13 119/13</p> <p>contrasts [1] 54/11</p> <p>control [15] 18/23 36/1 42/5 43/18 55/21 56/2 56/4 56/6 56/8 57/2 66/25 66/25 74/9 74/25 76/25</p> <p>controls [1] 48/5</p> <p>Coral [1] 1/21</p> <p>cordial [1] 102/15</p> <p>core [4] 51/21 74/23 74/25 84/1</p> <p>Corp [1] 48/16</p> <p>corporate [10] 31/22 35/8 35/20 39/2 39/10 61/4 65/25 66/21 66/23 70/3</p> <p>corporation [3] 17/5 31/21 32/20</p> <p>corporations [2] 66/3 78/7</p> <p>correct [30] 6/18 6/19 15/9 17/7 18/1 24/16 26/9 28/7 35/18 38/10 42/16 49/20 52/15 64/22 67/6 67/7 69/5 74/10 89/6 91/14 93/17 108/10 109/4 109/20 110/15 110/16 115/17 116/7 119/3 126/1</p> <p>correcting [3] 92/9 98/16 99/11</p> <p>corrections [1] 13/13</p> <p>correctly [4] 47/18 111/22 112/7 117/11</p> <p>Costco [3] 85/5 85/6 85/11</p> <p>costs [1] 30/11</p> <p>could [28] 7/21 14/24 18/8 19/3 31/3 32/17 35/2 35/3 38/20 39/9 40/7 40/14 40/17 40/18 44/24 60/15 65/16 73/18 80/9 80/25 85/15 92/6 97/10 107/3 111/11 111/15 111/18 123/11</p> <p>could do [1] 73/18</p> <p>couldn't [1] 113/4</p> <p>counsel [11] 3/5 3/7 3/17 3/21 4/1 17/12 18/6 81/22 112/19 118/5 125/20</p> <p>counsel's [1] 39/3</p>
--	---	--

C counterpart [1] 14/1 countless [1] 72/20 countries [1] 38/23 country [7] 15/24 38/19 47/22 57/24 65/23 100/10 123/17 couple [10] 7/6 8/1 32/2 36/10 52/1 66/11 78/3 89/20 104/14 120/11 coupled [2] 12/3 14/12 course [11] 4/10 12/5 15/24 44/19 46/6 50/2 58/5 63/8 77/21 83/24 102/13 court [77] 1/1 2/9 4/16 5/16 8/23 8/25 9/16 10/20 12/13 12/14 15/2 18/7 20/16 23/19 23/21 24/1 24/25 25/2 25/9 25/17 32/3 32/14 37/11 37/13 41/12 41/14 44/23 46/6 46/8 46/12 49/9 49/24 50/22 53/16 54/4 54/8 54/10 59/24 60/6 60/7 60/22 61/4 62/2 70/24 72/19 73/21 75/5 75/24 78/10 79/13 84/12 88/2 88/9 92/13 97/20 97/21 97/23 98/2 100/14 103/8 103/10 104/5 105/16 105/21 106/20 107/3 107/6 107/13 108/17 116/18 117/16 118/8 120/17 121/16 121/19 122/1 126/6 Court's [14] 11/25 14/7 14/12 25/15 29/12 37/24 40/1 40/3 40/23 79/10 118/8 120/23 124/15 125/20 Courts [3] 19/18 61/18 70/24 covered [1] 83/20 create [9] 25/10 59/12 66/15 69/25 72/9 73/11 77/4 90/14 91/12 created [3] 48/18 49/7 69/21 creates [5] 17/22 79/6 91/5 91/16 91/19 creating [1] 59/20 creation [1] 76/8 critical [5] 66/9 80/20 81/11 82/9 101/3 critically [2] 53/6 84/19 crossing [1] 91/3 crystalize [1] 107/9 cumulative [2] 64/13 64/16 current [1] 113/24 currently [1] 38/14 custody [6] 55/20 56/2 56/4 56/6 56/20 57/2 cutting [1] 87/24	daylight [1] 68/10 days [1] 101/23 de [1] 1/17 dead [1] 124/6 deal [5] 9/9 76/14 96/8 108/7 125/7 dealing [13] 34/15 58/3 58/19 63/21 70/20 74/24 76/10 81/15 82/20 93/17 94/3 94/6 96/15 dealings [1] 34/7 dealt [4] 52/12 56/23 56/24 82/25 decades [1] 44/20 December [5] 106/6 110/14 110/18 110/23 126/4 decide [3] 9/19 124/18 125/11 decided [3] 60/7 72/5 104/1 decision [7] 10/25 43/11 44/12 44/14 56/16 71/3 76/5 decisions [1] 25/22 declaration [6] 18/15 21/3 21/22 96/18 96/18 96/20 declarations [9] 4/22 51/25 52/5 94/25 101/10 101/13 101/17 118/1 118/1 deem [1] 15/2 defect [2] 63/1 118/18 defective [1] 100/24 Defendant [42] 4/4 19/21 25/11 26/15 29/14 32/4 32/4 35/9 37/19 42/19 43/23 50/25 52/9 66/3 69/21 70/19 71/15 73/6 73/18 75/1 75/2 78/13 78/16 80/15 80/23 82/13 82/15 82/16 84/22 86/25 93/22 94/11 94/21 97/25 98/8 112/1 112/2 112/11 112/12 112/14 116/2 116/16 Defendant's [3] 18/10 55/3 60/20 DEFENDANTS [79] 1/22 4/9 4/20 5/4 5/13 6/3 8/4 8/11 8/15 11/25 12/8 13/10 16/12 17/15 17/19 17/21 20/25 22/16 23/20 23/24 24/8 24/9 24/18 24/23 26/5 26/12 28/4 28/5 28/11 28/16 28/17 29/1 29/20 29/24 32/17 34/3 34/21 34/22 37/12 38/4 38/15 39/16 39/18 39/18 41/18 42/22 46/19 51/22 52/1 60/12 61/1 61/8 62/5 89/17 93/17 99/7 99/23 101/5 102/16 105/18 105/21 105/23 106/9 108/9 109/9 111/15 114/15 116/10 116/11 119/19 119/24 120/2 122/10 123/11 123/12 123/18 124/1 124/2 124/19 Defendants' [5] 5/21 9/14 39/6 114/11 121/4 defer [4] 9/12 9/16 10/13 22/6 deferred [1] 41/6 definition [6] 28/9 28/25 29/7 34/24 66/23 115/24 definitional [1] 30/2	definitions [1] 27/20 Delaware [6] 26/10 26/11 26/11 26/13 61/6 61/12 delayed [1] 9/11 delaying [1] 9/10 delineate [2] 46/16 59/6 delivery [1] 82/8 demonstrable [1] 121/3 demonstrates [1] 98/6 denied [1] 106/20 deny [1] 107/6 departments [2] 58/2 58/19 dependent [1] 79/15 depending [1] 122/2 depositions [6] 28/21 30/10 95/17 95/19 95/23 125/12 derived [1] 43/14 derives [1] 42/22 description [1] 66/17 descriptors [3] 35/11 36/2 39/9 design [3] 78/13 90/5 90/9 designed [1] 47/22 designing [5] 57/13 58/20 85/25 86/2 87/19 Despite [1] 13/18 detail [2] 8/2 25/20 detailed [1] 8/20 details [1] 50/12 determine [6] 18/8 28/1 32/14 35/3 75/20 113/10 Dick [2] 69/13 69/23 did [49] 5/25 6/10 8/5 8/6 10/25 14/24 18/22 21/11 22/24 23/8 23/10 25/2 25/3 25/17 28/1 32/14 37/9 37/11 49/11 50/22 55/6 59/6 67/2 67/8 67/22 73/8 73/14 78/12 78/14 78/17 80/10 82/7 91/17 99/5 101/14 101/23 102/3 102/12 102/13 102/18 102/21 103/7 111/22 112/7 112/8 115/5 116/9 117/13 121/19 didn't [15] 6/13 6/21 45/15 46/16 61/24 67/19 72/9 98/13 99/15 102/8 107/19 107/19 107/24 120/19 121/6 different [18] 7/2 30/10 30/11 30/11 30/19 38/20 47/19 50/3 53/8 56/1 56/8 58/16 58/16 79/25 101/4 111/13 118/11 119/8 differentiated [1] 7/2 difficult [6] 35/3 35/5 70/6 72/1 89/11 103/20 digress [1] 101/1 direct [4] 34/7 70/16 91/19 111/23 directed [8] 37/20 44/23 45/6 45/18 78/16 89/11 102/19 122/8 directing [1] 105/6 direction [1] 25/15 direction or [1] 25/15 directly [17] 7/10 15/18 21/7 48/7 48/9 52/12 71/13 74/1 81/15 82/20 93/10 94/1 94/3 94/6 96/13 96/19 98/17
D D.C [1] 26/25 damages [1] 100/23 database [1] 50/2 date [10] 8/13 32/6 32/7 32/23 37/13 65/1 93/7 93/7 105/7 126/4 dated [1] 4/25 day [4] 45/1 88/1 97/2 106/13		

<p>D</p> <p>director [1] 81/14</p> <p>directors [9] 56/7 65/14 65/17 65/21 65/21 76/9 80/21 81/10 83/8</p> <p>disagree [5] 43/10 117/6 117/8 118/14 120/23</p> <p>disagreed [1] 117/17</p> <p>disagrees [3] 111/9 111/11 113/25</p> <p>disallows [1] 103/24</p> <p>disclose [3] 29/13 39/22 40/22</p> <p>disclosed [1] 73/16</p> <p>disclosing [1] 32/6</p> <p>disconnected [1] 20/20</p> <p>discover [2] 45/7 48/5</p> <p>discoverability [2] 77/24 80/5</p> <p>discoverable [1] 79/6</p> <p>discovered [1] 93/4</p> <p>discovery [140]</p> <p>discovery's [1] 72/18</p> <p>discuss [4] 20/22 21/16 62/22 124/21</p> <p>discussed [8] 8/13 14/8 20/18 21/1 82/4 83/14 88/9 88/24</p> <p>discussion [6] 50/22 53/15 64/1 95/12 98/14 111/8</p> <p>discussions [1] 9/24</p> <p>dismiss [22] 4/19 4/24 13/2 15/4 21/4 24/20 30/1 42/2 67/17 101/8 101/20 102/5 104/24 105/1 105/2 106/3 110/19 110/19 112/15 117/12 119/2 122/25</p> <p>dismissal [1] 108/18</p> <p>dismissed [2] 10/18 101/18</p> <p>disposed [1] 24/25</p> <p>disproportional [1] 64/14</p> <p>disproportionate [1] 65/4</p> <p>dispute [10] 27/19 27/21 28/8 45/1 47/9 64/21 71/11 96/22 97/18 120/25</p> <p>disputed [1] 47/6</p> <p>dissertation [1] 36/7</p> <p>dissuade [1] 76/12</p> <p>distinction [3] 47/2 53/1 54/1</p> <p>distinguished [1] 108/19</p> <p>distribute [8] 18/23 19/4 46/3 51/10 52/24 53/17 62/16 71/13</p> <p>distributed [7] 16/16 20/13 21/20 46/21 51/19 94/15 123/14</p> <p>distributes [1] 48/3</p> <p>distributing [17] 18/14 19/6 19/7 34/3 41/16 41/20 43/8 45/2 46/19 47/7 58/21 59/4 66/8 69/20 79/14 88/14 94/2</p> <p>distribution [21] 18/23 21/5 28/6 34/10 37/4 37/6 37/6 39/24 40/12 40/24 53/5 70/13 71/16 73/24 74/5 76/2 79/10 80/16 82/21 94/18 94/19</p>	<p>distributor [9] 15/19 19/4 19/24 51/18 52/2 53/3 53/6 79/15 96/16</p> <p>distributors [3] 53/5 70/14 75/15</p> <p>DISTRICT [6] 1/1 1/1 24/3 62/2 64/15 117/22</p> <p>districts [1] 100/16</p> <p>DIVISION [1] 1/2</p> <p>do [105] 6/15 7/5 7/11 8/21 9/8 11/7 11/14 11/15 11/21 12/8 15/11 17/13 17/14 18/18 19/15 20/9 20/23 21/6 21/18 22/4 22/6 25/14 25/24 26/10 27/16 29/22 30/5 35/25 37/5 37/7 39/20 39/21 42/4 42/6 43/11 44/10 45/10 45/15 46/1 47/4 47/15 48/23 49/3 49/16 49/17 50/16 52/7 53/21 53/24 55/24 60/20 62/19 62/24 63/7 63/14 63/16 64/1 64/16 66/21 68/10 69/24 70/24 71/6 73/18 74/2 74/8 76/22 77/1 77/25 78/16 79/12 79/19 79/20 79/21 80/1 80/10 87/10 87/13 88/11 88/16 88/20 89/7 92/1 92/7 95/18 95/20 100/12 103/21 105/24 109/6 114/3 114/7 116/1 117/6 117/19 117/20 117/22 118/5 118/14 119/19 120/25 122/8 122/9 122/12 125/17</p> <p>dock [1] 40/11</p> <p>docket [6] 4/25 5/6 5/9 5/22 6/17 106/16</p> <p>doctrines [1] 48/11</p> <p>document [9] 5/19 56/19 63/9 63/25 64/4 64/7 64/9 77/2 89/5</p> <p>documents [12] 5/14 29/16 30/16 63/15 63/16 64/12 74/15 76/20 83/18 84/5 84/6 84/8</p> <p>does [24] 24/19 25/6 32/4 38/8 39/15 43/23 46/1 56/21 57/8 66/22 67/14 73/6 78/14 79/13 84/13 91/7 97/13 97/14 105/24 106/11 110/20 114/13 115/4 121/5</p> <p>doesn't [16] 11/11 11/12 19/19 26/8 46/22 54/25 55/1 66/6 66/20 74/22 78/24 105/4 114/7 115/24 120/22 121/9</p> <p>doing [7] 42/8 48/9 49/12 69/22 77/10 85/7 92/5</p> <p>domestic [3] 24/9 74/20 87/13</p> <p>don't [90] 10/10 12/18 13/20 14/2 15/3 16/8 18/13 19/11 19/21 21/17 23/1 26/25 27/8 28/4 29/11 29/18 29/19 30/2 35/17 38/15 42/4 45/21 46/24 47/9 47/10 49/9 51/2 52/11 55/6 55/20 57/16 63/6 63/13 63/13 63/23 64/8 64/13 64/14 64/24 65/11 65/19 66/11 67/16 67/23 68/24 72/17 75/5 75/9 76/22 77/8 77/9 78/6</p>	<p>82/7 83/25 84/1 84/18 85/6 86/11 86/14 86/18 87/25 88/19 89/6 89/13 89/17 90/19 91/18 91/20 91/23 91/25 92/2 93/13 96/24 97/18 101/17 102/23 102/24 103/18 107/21 108/12 110/16 112/24 113/17 113/18 113/22 114/23 114/25 122/14 123/2 123/7</p> <p>done [9] 18/2 18/20 63/4 68/4 70/13 73/12 87/4 92/12 124/25</p> <p>door [3] 98/24 117/23 118/3</p> <p>dose [1] 51/17</p> <p>doubt [2] 99/22 118/11</p> <p>doubted [1] 112/4</p> <p>down [11] 9/24 18/24 30/1 38/22 52/13 52/21 76/22 76/22 94/6 111/14 125/11</p> <p>dozen [1] 106/15</p> <p>drafted [1] 28/10</p> <p>draw [3] 43/24 78/25 97/19</p> <p>drawing [1] 47/6</p> <p>drawn [1] 69/17</p> <p>drive [1] 67/18</p> <p>driver's [1] 104/10</p> <p>driving [2] 93/14 93/16</p> <p>drop [2] 48/1 82/17</p> <p>dropped [3] 10/21 10/23 98/10</p> <p>drug [29] 14/14 18/10 18/14 19/6 19/15 40/16 40/17 44/21 51/10 54/6 58/6 58/12 58/13 58/15 73/16 87/6 87/7 90/6 90/13 90/18 90/22 93/2 93/9 93/10 93/19 93/20 94/22 100/22 100/25</p> <p>drugs [4] 50/8 58/20 58/22 96/12</p> <p>Drywall [1] 76/5</p> <p>due [6] 76/6 76/7 79/20 111/3 111/4 123/4</p> <p>due and [1] 111/4</p> <p>during [2] 36/21 50/22</p> <p>E</p> <p>each [33] 27/12 30/10 30/11 30/18 31/12 45/15 51/16 52/5 57/17 69/10 83/1 86/5 86/21 86/21 100/1 104/18 108/8 108/8 108/24 109/8 109/16 109/16 111/25 112/1 112/24 113/9 114/11 116/10 122/2 122/10 123/13 125/6 125/17</p> <p>earlier [3] 7/9 21/1 103/11</p> <p>easier [2] 70/7 108/6</p> <p>easy [1] 63/25</p> <p>echo [1] 102/14</p> <p>ECM [1] 4/7</p> <p>economic [3] 42/18 100/23 100/24</p> <p>effect [1] 14/11</p> <p>effort [4] 44/5 45/15 72/4 77/1</p> <p>effort to [1] 72/4</p> <p>efforts [5] 44/23 45/5 45/7 45/17 45/21</p> <p>ego [26] 19/1 22/17 22/18</p>
---	---	--

<p>E</p> <p>ego... [23] 23/13 24/6 26/6 26/14 34/7 34/11 37/17 47/14 48/11 55/1 56/3 57/3 61/4 61/11 67/5 67/15 70/5 70/11 70/18 78/4 78/7 79/2 79/7</p> <p>egos [4] 55/18 55/22 68/23 69/10</p> <p>Eidson [1] 1/20</p> <p>either [9] 7/19 18/12 37/19 64/9 65/11 109/6 120/5 122/10 125/7</p> <p>element [2] 41/12 41/13</p> <p>Eleven [3] 85/22 86/17 86/17</p> <p>Eleven's [1] 94/13</p> <p>Eleventh [2] 68/18 123/25</p> <p>else [13] 6/1 6/9 6/20 11/21 40/9 40/11 40/12 46/10 47/12 61/23 61/25 83/6 116/25</p> <p>elsewhere [1] 45/10</p> <p>embedded [1] 38/18</p> <p>employ [2] 70/24 79/13</p> <p>employed [1] 18/21</p> <p>employee [7] 41/18 41/24 42/6 76/8 80/15 81/13 81/14</p> <p>employees [5] 39/13 39/23 80/18 80/19 81/10</p> <p>employers [1] 75/14</p> <p>encompassing [1] 81/15</p> <p>encyclopedic [1] 89/18</p> <p>end [3] 45/1 46/21 78/24</p> <p>ended [1] 88/22</p> <p>endorse [1] 25/17</p> <p>ends [2] 47/8 47/9</p> <p>engage [1] 10/12</p> <p>engaged [1] 80/15</p> <p>engaging [1] 73/10</p> <p>enjoined [1] 109/23</p> <p>enough [8] 14/8 14/19 14/21 27/10 49/7 49/9 74/12 110/6</p> <p>enter [1] 30/23</p> <p>entered [6] 5/9 8/7 50/6 50/9 63/2 72/14</p> <p>entering [3] 33/18 34/10 72/12</p> <p>entire [8] 35/16 45/22 57/14 80/21 88/4 88/8 116/17 123/8</p> <p>entire United [1] 88/8</p> <p>entirely [1] 10/7</p> <p>entirety [2] 8/7 10/7</p> <p>entities [45] 28/5 28/11 28/15 28/18 29/2 29/13 29/17 29/19 29/20 31/22 32/18 32/18 34/5 34/7 34/14 34/21 38/2 38/3 38/4 38/5 39/16 43/13 48/17 51/3 51/8 51/9 52/4 52/7 52/12 52/24 54/20 54/21 55/17 55/19 55/20 61/8 61/13 65/22 66/1 66/8 66/10 67/5 75/13 80/22 94/6</p> <p>entitled [17] 8/16 9/22 11/1 12/1 18/4 22/5 25/14 33/23 52/10 100/24 102/9 102/25 103/9 107/15 108/18 108/25 117/5</p> <p>entitlement [3] 97/7 107/6 124/19</p>	<p>entity [43] 10/22 15/19 25/11 27/2 27/22 28/10 29/5 34/16 34/23 34/25 35/10 37/21 41/24 41/25 42/24 42/25 43/16 43/16 43/18 43/19 55/10 55/11 55/12 55/13 61/1 66/19 67/1 67/1 70/3 71/15 73/6 74/9 74/20 74/20 78/16 80/18 80/22 80/22 81/6 81/7 81/8 82/22 87/3</p> <p>entity's [3] 34/17 35/2 54/22</p> <p>Entry [5] 5/1 5/6 5/9 5/22 106/16</p> <p>equally [2] 12/7 63/22</p> <p>equipment [1] 44/17</p> <p>equitable [5] 97/21 118/9 119/19 121/21 122/4</p> <p>equities [2] 103/17 103/17</p> <p>equity [1] 98/3</p> <p>equivalent [2] 90/4 92/23</p> <p>escalated [1] 97/11</p> <p>escape [1] 103/6</p> <p>ESQ [6] 1/12 1/15 1/19 1/22 2/1 2/4</p> <p>essentially [4] 28/8 37/21 78/22 92/14</p> <p>establish [11] 14/4 17/1 17/13 18/12 18/15 26/18 61/13 100/1 113/9 114/21 118/18</p> <p>established [3] 18/9 18/14 51/9</p> <p>establishes [2] 19/12 87/1</p> <p>establishing [1] 17/23</p> <p>etc [3] 78/9 102/1 105/12</p> <p>evaluate [1] 95/23</p> <p>even [45] 7/19 15/19 18/3 18/15 25/7 29/11 35/1 35/11 37/17 37/18 38/4 40/3 40/22 40/24 42/18 44/11 45/8 45/21 54/1 54/5 54/25 57/2 57/16 57/16 58/11 60/14 60/15 65/12 68/24 74/5 75/24 78/11 80/1 82/12 92/15 96/18 98/13 98/25 104/3 104/15 107/15 114/16 118/18 118/18 123/19</p> <p>evening [1] 8/1</p> <p>event [3] 22/4 24/8 124/18</p> <p>events [1] 33/12</p> <p>ever [6] 72/14 85/4 102/3 103/5 111/11 114/14</p> <p>Eversana [3] 15/16 15/16 16/15</p> <p>every [17] 51/15 61/6 65/15 67/24 67/25 72/13 86/9 86/18 86/19 106/8 109/9 112/10 112/11 112/12 114/10 119/22 119/23</p> <p>everybody [4] 23/2 108/20 116/12 116/25</p> <p>everything [5] 49/16 73/11 77/9 112/21 121/12</p> <p>everywhere [1] 54/13</p> <p>evidence [60] 15/12 16/19 19/19 37/19 37/25 41/21 45/24 46/6 46/9 46/13 49/9</p>	<p>49/13 49/16 49/18 49/23 49/25 50/5 50/5 50/16 50/23 50/24 52/18 52/20 53/17 53/21 54/14 54/15 55/2 57/14 57/18 59/5 59/7 59/8 59/14 59/16 59/23 59/25 60/8 62/18 62/20 64/14 64/14 65/20 67/21 67/25 68/11 68/12 70/8 72/5 72/7 75/8 75/19 76/11 85/24 86/1 87/20 87/22 88/15 91/20 116/15</p> <p>evidenced [1] 12/16</p> <p>evident [1] 84/19</p> <p>evidentiary [2] 62/11 75/21</p> <p>evinced [1] 38/8</p> <p>exact [3] 50/8 50/9 59/22</p> <p>exactly [9] 46/5 48/18 50/10 50/11 51/9 53/22 55/2 103/16 119/24</p> <p>examine [1] 33/11</p> <p>example [11] 13/9 36/17 40/13 66/10 70/6 71/20 81/5 86/5 86/5 112/15 114/19</p> <p>examples [1] 51/15</p> <p>exceed [1] 25/14</p> <p>excellent [1] 41/22</p> <p>except [2] 34/22 83/11</p> <p>exception [2] 6/12 106/22</p> <p>exclusive [1] 75/14</p> <p>exclusively [2] 48/3 70/20</p> <p>excuse [2] 46/14 69/19</p> <p>executives [1] 65/21</p> <p>exemplar [2] 86/9 86/21</p> <p>exercise [1] 93/9</p> <p>exercises [1] 32/3</p> <p>exist [1] 20/24</p> <p>existence [1] 65/13</p> <p>existing [1] 17/6</p> <p>exists [1] 20/15</p> <p>expand [1] 51/24</p> <p>expect [2] 89/18 101/11</p> <p>expedition [2] 49/8 50/14</p> <p>experience [1] 125/3</p> <p>explain [2] 36/7 105/5</p> <p>explained [1] 111/10</p> <p>explaining [1] 66/14</p> <p>explanation [1] 115/6</p> <p>expressed [1] 30/8</p> <p>expressly [1] 37/11</p> <p>extending [1] 36/23</p> <p>extensive [2] 10/3 44/24</p> <p>extent [17] 26/4 33/14 38/2 39/9 42/6 43/5 45/8 48/8 63/8 63/11 63/24 66/12 71/14 76/25 80/14 83/23 83/23</p> <p>extraordinarily [2] 125/4 125/19</p> <p>extreme [2] 66/10 70/5</p> <p>F</p> <p>F.3d [1] 76/6</p> <p>facet [1] 77/5</p> <p>facie [12] 17/2 17/13 17/23 25/18 37/14 46/6 46/9 46/13 46/16 49/24 59/20 62/3</p> <p>facilities [11] 13/2 13/3 13/8 13/9 21/17 21/19 58/4 63/17 87/13 87/13 105/9</p>
---	---	---

<p>F</p> <p>facility [18] 15/17 57/23 58/1 58/17 60/2 84/3 84/4 87/1 87/5 87/6 87/17 87/23 88/6 90/3 90/11 90/12 90/21 92/23</p> <p>fact [61] 10/5 12/2 13/18 13/23 15/6 21/5 21/13 25/17 28/7 30/14 43/4 48/24 49/11 49/11 51/14 53/2 54/8 54/12 55/16 59/4 59/13 62/8 62/9 63/10 64/9 66/5 68/24 69/14 69/16 69/17 69/20 70/7 70/13 75/4 75/13 76/4 79/9 79/12 84/9 84/17 85/20 86/20 86/25 88/3 88/9 88/12 88/23 88/24 89/19 90/1 90/7 90/11 93/3 94/6 97/19 102/4 102/6 103/8 107/23 113/10 115/23</p> <p>factor [1] 89/10</p> <p>facts [28] 12/23 14/4 14/13 14/17 14/19 14/22 17/14 19/2 19/14 20/24 21/1 25/10 48/20 49/1 50/1 53/2 62/22 67/8 69/22 69/25 88/20 92/11 101/16 117/4 117/24 118/4 118/14 119/8</p> <p>factual [2] 8/22 101/10</p> <p>fails [3] 18/17 19/8 19/10</p> <p>fair [3] 77/19 95/4 125/1</p> <p>faith [5] 66/15 67/10 75/12 77/10 77/11</p> <p>falls [2] 27/21 78/21</p> <p>familiar [1] 110/3</p> <p>far [6] 8/8 10/5 19/2 23/24 74/4 83/19</p> <p>farce [1] 48/18</p> <p>fault [2] 23/7 23/7</p> <p>favorable [2] 19/14 117/4</p> <p>FDA [49] 12/19 12/20 13/3 13/4 13/11 13/24 14/23 15/7 20/12 21/13 21/18 24/3 24/4 26/20 27/3 36/16 40/19 45/6 50/2 51/16 57/7 57/12 57/21 58/1 58/3 58/9 58/10 58/17 58/20 58/25 59/12 59/14 60/12 60/18 62/9 62/24 63/5 63/21 83/14 84/2 84/5 84/21 85/1 85/13 87/1 90/5 90/8 90/21 93/5</p> <p>Federal [10] 13/6 15/8 15/9 18/7 44/21 55/25 56/15 109/3 109/10 126/5</p> <p>feel [1] 77/18</p> <p>feeling [1] 77/14</p> <p>Ferguson [1] 1/16</p> <p>few [2] 98/13 122/3</p> <p>Fifth [1] 76/4</p> <p>figure [5] 64/16 95/19 105/13 125/16 125/16</p> <p>figuring [1] 102/11</p> <p>file [10] 8/4 23/22 24/1 24/11 63/6 63/7 63/12 67/17 105/15 111/13</p> <p>filed [30] 4/19 4/22 5/4 5/21 5/22 6/4 6/10 6/21 15/15 15/24 21/3 23/18 24/1</p>	<p>49/7 65/15 67/20 67/22 81/4 81/7 100/8 100/11 101/6 101/9 101/21 101/24 103/1 105/7 105/20 105/20 106/16</p> <p>files [1] 83/19</p> <p>filing [7] 4/24 23/17 65/14 67/9 75/19 88/12 88/12</p> <p>filings [3] 5/15 5/19 6/17</p> <p>fill [2] 50/13 50/16</p> <p>filled [1] 101/20</p> <p>finally [2] 4/1 97/1</p> <p>find [13] 14/25 21/15 25/18 38/19 38/20 48/20 50/22 50/24 56/16 59/7 105/10 111/25 112/24</p> <p>find incorporation [1] 38/19</p> <p>finding [1] 40/2</p> <p>fine [4] 32/6 41/9 74/4 117/21</p> <p>fingertips [1] 27/1</p> <p>finished [6] 34/9 44/19 47/21 85/19 86/6 120/10</p> <p>first [43] 4/6 5/10 9/4 10/9 10/16 11/18 11/22 33/5 34/20 35/14 35/14 36/17 43/4 44/4 47/20 48/6 53/19 57/23 61/10 67/20 67/22 74/2 74/4 76/13 78/4 89/20 89/21 96/6 97/5 97/16 100/3 100/7 107/10 109/2 110/18 114/20 114/25 115/15 115/18 115/22 120/13 125/8 125/14</p> <p>fishing [4] 49/8 50/14 75/9 75/18</p> <p>five [8] 10/24 11/25 14/20 17/19 17/20 20/25 35/22 81/22</p> <p>five-minute [1] 81/22</p> <p>FL [4] 1/5 1/18 1/21 2/10</p> <p>flat [1] 31/6</p> <p>flawed [1] 105/4</p> <p>flesh [1] 26/22</p> <p>flip [2] 112/21 113/24</p> <p>FLORIDA [10] 1/1 18/17 18/19 104/5 104/7 104/10 104/10 104/12 108/20 108/21</p> <p>Florida's [1] 22/16</p> <p>flow [1] 34/12</p> <p>flushing [1] 52/6</p> <p>focus [1] 120/24</p> <p>focused [2] 22/22 54/4</p> <p>focuses [1] 121/3</p> <p>fold [1] 44/10</p> <p>follow [1] 68/12</p> <p>following [1] 113/5</p> <p>followup [1] 112/13</p> <p>footnote [1] 25/1</p> <p>for here [1] 65/18</p> <p>Forby [2] 97/20 98/1</p> <p>foregoing [1] 126/1</p> <p>foreign [95] 4/9 4/20 5/4 5/13 5/21 8/10 8/15 17/19 18/20 19/20 23/24 24/9 24/23 25/11 26/5 26/12 26/15 26/15 28/4 29/14 29/20 29/24 32/17 34/3 35/8 37/12 37/19 38/4 38/14 38/19 39/2 39/17 39/18 41/18 41/24 42/19 42/22</p>	<p>43/13 43/16 43/18 47/22 50/7 50/25 51/25 52/12 54/20 54/22 55/3 55/10 55/11 57/24 60/12 60/20 61/1 61/8 65/23 66/3 69/21 70/18 71/15 73/6 73/18 74/20 75/1 75/2 78/12 78/15 78/16 80/15 80/19 80/23 81/6 82/13 82/15 82/16 84/22 86/25 89/17 90/3 90/11 92/22 93/17 93/22 94/11 94/21 99/7 105/8 108/9 114/15 116/10 116/11 116/16 119/24 120/1 124/1</p> <p>foreign Defendant [1] 82/15</p> <p>foremost [1] 48/6</p> <p>forever [1] 9/10</p> <p>forgot [1] 10/17</p> <p>form [9] 15/23 51/17 59/24 100/11 105/7 105/10 105/13 105/19 105/20</p> <p>formally [1] 100/8</p> <p>forms [2] 30/19 60/1</p> <p>fortunately [1] 12/11</p> <p>forward [10] 9/20 22/2 24/17 39/1 101/19 104/13 114/19 116/15 116/21 124/16</p> <p>found [20] 14/18 14/20 25/19 46/6 46/8 46/12 46/15 49/24 50/2 54/8 59/18 59/18 59/22 61/4 61/18 62/2 64/4 92/13 104/5 104/7</p> <p>foundation [1] 57/18</p> <p>four [6] 8/11 35/22 44/16 51/22 84/23 88/21</p> <p>frame [4] 31/8 64/24 95/13 95/21</p> <p>framework [1] 116/5</p> <p>FRANCISCO [3] 1/19 3/12 22/25</p> <p>frankly [4] 45/17 62/12 86/14 94/24</p> <p>fraudulent [1] 61/16</p> <p>from agency [1] 70/17</p> <p>front [2] 69/24 108/13</p> <p>Ft [1] 2/10</p> <p>fully [1] 24/19</p> <p>function [1] 28/25</p> <p>fundamentally [1] 53/11</p> <p>further [13] 6/22 10/4 10/10 20/4 29/9 78/1 81/17 83/3 83/4 83/9 83/15 120/10 124/7</p> <p>furtherance [1] 41/20</p> <p>future [2] 32/17 100/12</p>
		<p>G</p> <p>Gables [1] 1/21</p> <p>game [2] 116/24 125/2</p> <p>gander [4] 97/23 107/4 118/8 118/12</p> <p>gander maxim [1] 97/23</p> <p>gathered [1] 22/14</p> <p>gave [2] 7/2 124/13</p> <p>general [22] 23/23 24/7 24/13 24/25 25/7 26/8 26/21 27/5 31/25 33/3 33/7 34/1 39/3 39/14 43/24 50/23 54/12 57/11 78/6 79/9 118/11 125/1</p> <p>generalized [6] 17/8 18/15</p>

G generalized... [4] 25/9 60/9 61/19 78/17 generally [5] 14/11 22/17 37/1 70/8 78/7 generated [1] 86/10 generic [8] 35/10 36/2 39/9 85/6 85/9 104/22 105/8 105/22 gentleman [2] 48/15 48/16 Georgia [1] 87/14 get [48] 8/24 10/4 14/9 15/3 15/4 16/20 17/25 20/21 22/10 25/21 27/16 27/19 35/11 35/16 42/19 47/14 57/8 61/10 62/13 62/14 62/16 63/17 64/13 64/14 66/16 67/16 67/19 68/16 68/20 68/24 68/25 74/21 74/23 78/15 89/19 89/19 89/22 90/21 91/17 91/24 97/8 97/8 97/11 97/13 99/16 99/25 119/20 125/21 gets [4] 57/18 87/7 115/25 116/2 getting [3] 40/2 44/22 95/13 GILBERT [43] 1/15 1/16 3/7 3/15 5/18 7/8 7/22 9/5 10/15 20/19 21/10 22/9 22/24 23/1 23/4 26/3 26/4 28/12 28/19 57/10 97/12 99/18 99/20 99/22 107/8 110/21 112/22 113/7 113/15 113/22 113/25 114/1 117/9 117/11 117/18 119/13 120/9 120/19 120/22 121/15 122/6 124/8 124/11 give [21] 20/6 39/8 41/3 46/22 52/19 53/12 56/3 72/11 76/14 77/5 77/17 86/4 92/18 95/25 100/4 103/4 111/22 121/7 124/20 124/25 125/8 given [11] 5/7 5/13 10/18 19/22 32/9 41/5 45/12 63/25 75/11 81/2 125/10 gives [4] 46/23 53/7 53/8 69/13 giving [1] 57/5 global [1] 7/6 gloss [1] 84/18 go [38] 8/18 9/20 11/21 19/16 21/24 21/25 24/10 24/17 26/9 26/11 32/12 36/20 38/22 39/13 40/7 45/13 55/1 55/1 60/19 64/18 68/8 71/9 73/20 81/24 82/16 87/3 87/10 87/10 93/5 95/14 97/5 97/5 105/9 111/14 115/7 117/18 124/10 125/11 goal [1] 79/3 goes [11] 12/2 35/7 37/16 45/23 52/20 71/13 74/6 82/19 82/20 84/13 88/4 going [62] 3/4 4/9 4/18 6/15 7/14 7/14 9/12 9/13 9/17 10/4 10/13 11/2 11/20 11/24 13/15 20/13 21/23 22/2 27/14 30/15 31/18 42/11 44/11	45/13 51/24 53/9 54/12 65/24 66/13 66/23 72/23 75/20 75/21 77/25 83/18 86/1 86/4 86/24 92/15 95/18 95/20 96/22 97/3 99/18 101/1 101/7 102/22 103/19 105/11 105/17 106/5 110/2 110/8 110/11 110/12 110/17 110/22 111/21 114/4 114/5 115/16 117/10 GOLDENBERG [12] 1/12 1/12 3/14 3/15 11/2 11/22 20/6 21/11 21/13 57/21 102/17 124/13 gone [1] 21/10 good [21] 3/1 3/6 3/10 3/11 3/13 3/16 3/20 3/23 3/25 14/21 66/15 67/10 75/12 77/10 77/11 77/18 118/7 118/7 118/12 118/12 121/2 Goodman [4] 104/2 104/7 104/10 108/19 goods [1] 43/7 goose [4] 97/22 107/4 118/7 118/12 Gorby [9] 104/1 104/2 104/3 104/4 104/15 106/23 116/8 121/18 122/4 got [7] 11/5 17/22 31/6 46/10 64/18 96/17 103/19 gotcha [1] 31/19 gotten [3] 77/12 122/20 125/8 Government [1] 62/13 granted [4] 5/1 103/15 111/12 117/22 granting [1] 11/9 grave [1] 39/1 great [4] 21/11 33/22 49/6 81/20 gross [1] 121/10 grounds [1] 67/18 group [1] 32/17 groups [1] 32/17 guess [4] 43/20 46/11 49/15 108/1 guys [1] 103/20	harm [1] 92/7 has [45] 8/6 10/11 10/11 10/21 13/2 14/3 15/7 17/4 19/11 21/13 27/12 32/15 36/25 40/4 40/5 40/16 43/18 56/5 57/10 60/20 61/17 65/12 67/1 70/25 73/4 73/21 81/15 83/2 84/24 85/4 87/22 89/7 93/6 93/18 102/10 106/1 106/4 106/7 106/13 106/24 107/20 113/15 114/14 115/13 125/3 hasn't [1] 113/17 have [276] have dealt [1] 56/24 haven't [10] 5/16 6/4 8/2 17/9 89/14 103/5 112/20 112/20 117/3 121/15 having [6] 30/16 33/25 69/23 77/25 91/12 92/13 he [17] 9/13 20/20 20/20 23/2 31/7 71/4 72/19 96/10 98/15 104/6 104/14 122/22 122/22 122/23 123/5 123/21 124/5 headed [1] 39/6 heading [1] 76/6 Health [1] 4/11 Healthcare [2] 4/2 4/4 hear [27] 8/14 10/8 11/22 23/4 23/8 27/14 27/24 29/8 38/17 42/12 50/17 57/4 64/19 71/5 77/20 88/16 90/17 92/18 92/21 93/12 93/13 94/8 108/1 110/17 110/22 112/21 115/12 heard [11] 9/19 22/3 22/3 41/7 53/15 82/1 96/9 96/11 121/15 125/10 125/13 hearing [11] 9/9 50/15 68/13 70/10 75/21 75/21 76/21 102/10 103/11 124/16 125/24 heart [1] 76/20 heavily [1] 106/23 HEB [1] 85/15 heightened [1] 80/2 held [7] 12/14 17/12 19/18 35/10 69/2 91/10 108/17 help [2] 95/21 125/14 helped [1] 95/12 helpful [5] 6/25 7/4 36/2 42/13 125/19 helps [2] 64/10 77/5 HENRY [45] 1/22 3/18 3/20 4/5 6/6 9/4 10/13 24/18 24/22 27/25 29/8 30/7 31/3 31/8 31/23 36/9 39/20 40/9 41/6 42/15 43/10 50/19 60/5 64/21 71/6 71/9 72/11 72/25 74/12 76/16 77/25 80/8 81/17 82/1 82/2 83/3 83/10 83/15 86/22 89/3 94/8 96/7 97/3 102/15 102/16 Henry's [7] 33/14 35/1 38/18 72/17 96/3 123/21 123/22 her [9] 5/10 7/25 10/23 17/11 27/2 41/14 68/18 69/2 103/12 here [75] 3/3 4/6 4/11 4/19
H had [26] 5/10 8/3 9/21 29/5 36/6 44/7 44/7 46/12 46/15 50/25 54/2 54/7 62/2 68/3 85/17 88/5 88/21 92/12 94/21 96/7 99/22 101/22 102/15 113/2 120/10 123/8 hadn't [3] 54/5 92/12 92/15 half [3] 80/9 106/15 115/17 hand [2] 52/18 52/19 handful [1] 44/16 handle [2] 60/22 64/23 hang [1] 11/21 happening [1] 103/16 happens [1] 56/20 happy [13] 15/1 16/3 24/10 25/16 25/20 32/22 38/11 38/12 39/7 39/8 45/14 66/15 75/23 hard [3] 35/11 77/16 80/24 harm [1] 104/23		

H	123/8	India that [1] 87/17
here... [71] 5/25 7/18 11/13	I	Indiana [3] 15/17 15/20
11/14 12/18 14/15 14/25 17/1	I'd [1] 74/5	19/25
18/12 20/10 20/12 20/21	I'll [2] 3/5 119/14	indicate [2] 15/15 35/25
20/22 26/12 27/14 28/15	I'm [4] 20/2 67/3 80/12	indicated [2] 24/1 99/9
30/25 32/10 37/7 37/10 38/7	98/10	indication [3] 27/23 65/19
39/6 40/21 44/18 44/25 47/2	i.e [1] 97/22	81/9
47/16 50/6 50/20 50/24 52/16	Idaho [2] 44/1 113/19	indirect [3] 35/10 35/23
54/11 54/21 55/4 55/11 57/21	idea [3] 24/20 33/25 60/25	79/9
60/19 61/7 61/8 63/16 64/2	ideas [1] 37/18	indirectly [1] 52/24
65/18 65/20 67/24 69/15 74/7	identification [1] 99/8	individual [3] 105/21 113/18
74/24 75/6 85/17 85/18 86/4	identified [2] 52/5 84/4	114/22
87/9 89/8 94/23 95/9 98/18	identify [5] 29/1 52/4 99/6	individuals [4] 58/2 58/8
99/13 103/16 103/17 104/2	118/21 122/9	58/18 100/19
104/16 104/25 105/1 108/23	identifying [1] 52/11	inevitable [1] 112/13
112/3 112/3 113/3 114/12	identity [1] 87/7	inference [13] 43/24 69/16
114/13 120/21 120/24	ignore [1] 64/17	69/17 69/25 78/25 79/6 90/23
Hicks [1] 1/20	imagine [4] 41/24 80/24	90/24 91/5 91/8 91/16 91/19
hiding [1] 110/9	87/21 87/21	91/21
high [1] 61/13	immaterial [2] 94/14 94/20	inferences [1] 91/10
higher [1] 22/10	immediately [1] 9/9	inferring [1] 7/9
highlight [1] 86/23	implicate [1] 105/14	inflicting [1] 75/7
highly [8] 34/14 34/18 42/9	implication [1] 60/25	inform [1] 125/14
53/12 66/4 82/19 88/8 88/24	important [13] 20/10 20/16	information [28] 15/2 26/17
him [4] 91/15 96/10 96/11	44/15 44/25 53/1 53/6 53/24	28/10 29/16 32/7 32/12 33/23
113/23	81/13 84/9 84/19 85/24	34/1 34/2 35/11 37/4 45/7
his [5] 31/7 96/9 98/13	100/17 103/4	45/9 51/8 51/13 51/20 52/10
122/22 124/4	importing [2] 74/6 85/18	53/9 53/13 53/22 54/19 54/22
hold [5] 18/13 19/5 31/3	imports [1] 96/12	55/13 56/12 56/19 65/2 75/25
104/10 106/5	impose [1] 125/9	105/10
holder [7] 17/21 18/1 19/11	impression [1] 24/12	informative [1] 6/25
58/11 58/12 58/16 93/10	improper [1] 36/21	informs [1] 25/22
holders [1] 17/21	imputations [1] 34/11	initial [1] 120/13
holding [7] 37/13 59/19 60/8	imputed [1] 48/10	injured [3] 105/21 115/13
75/15 90/4 118/10 118/11	inaccurate [1] 121/23	118/23
home [4] 23/23 24/11 31/7	inaudible [3] 61/7 73/19	injury [13] 17/16 23/11
100/16	105/12	24/15 25/6 98/19 100/5 100/7
HON [1] 2/9	Inc [6] 3/17 3/19 24/23	105/12 115/8 118/18 119/10
Honor [134]	42/21 48/14 89/14	119/16 120/4
Honor's [6] 44/9 76/18 76/21	inception [1] 72/14	inquired [2] 89/14 95/9
97/19 115/23 120/13	include [8] 36/24 45/14	inquiry [15] 42/18 43/1
HONORABLE [1] 1/9	51/16 56/4 66/23 74/5 107/24	51/11 53/21 54/24 64/25 65/7
hook [4] 60/16 115/14 115/14	110/20	89/8 94/23 99/16 101/3
115/21	included [5] 29/7 29/25 44/7	109/11 117/20 118/6 119/8
hope [5] 59/7 77/1 96/8	81/8 101/10	inspect [1] 88/6
112/19 114/6	including [8] 7/1 10/24	inspected [1] 13/11
hours [2] 102/11 102/15	46/13 46/14 65/25 112/14	inspection [2] 13/8 13/19
how [25] 19/12 32/4 35/1	123/23 123/24	instance [7] 33/14 44/16
35/3 35/4 35/5 41/23 43/23	incorporate [2] 30/22 39/15	48/14 50/1 56/5 65/14 85/15
48/17 54/10 54/23 57/8 78/7	incorporated [2] 38/13 66/1	instances [1] 13/16
78/17 79/20 89/10 89/11	incorporating [1] 67/2	instructive [1] 98/1
90/24 95/8 108/2 113/14	incorporation [8] 35/4 38/5	instructs [1] 43/17
115/11 119/20 122/2 122/11	38/7 38/19 39/4 65/25 66/24	insufficient [1] 53/17
however [9] 6/10 8/14 9/18	104/20	intended [2] 36/2 92/14
29/4 32/1 44/15 49/19 105/6	incorporations [1] 38/10	intending [2] 12/21 91/24
119/13	incorrect [2] 90/10 90/14	intent [28] 12/16 13/17
hump [2] 17/23 17/25	incorrectly [1] 90/8	14/13 16/15 18/10 18/16
hundred [2] 24/16 123/5	incredibly [3] 33/19 44/25	18/16 19/15 20/10 20/15 29/4
hundreds [1] 72/20	85/24	37/12 38/8 50/23 50/25 53/17
hunt [1] 38/22	independence [4] 43/17 65/24	54/3 54/5 54/9 60/9 60/20
hurdle [7] 14/9 61/10 61/13	66/2 75/2	71/13 73/22 90/15 90/25 91/5
68/25 69/1 76/13 114/25	independent [11] 34/12 34/16	93/1 94/22
hurdles [1] 89/20	34/16 53/3 53/4 55/17 55/18	intention [2] 28/15 124/23
hypothetical [8] 92/5 92/9	55/19 63/21 70/14 79/14	interact [1] 78/17
93/25 96/23 96/24 98/16	India [8] 17/6 17/7 38/8	interacted [2] 24/4 57/20
99/12 110/2	38/16 87/17 90/12 90/19	interacting [1] 60/12
hypothetically [2] 96/10	90/20	interest [1] 75/7
		interfaces [1] 84/2

I intermediary [2] 46/23 46/23 internal [1] 94/18 internet [1] 104/13 interpret [1] 104/13 interrogatories [13] 10/1 27/13 27/19 27/21 30/9 36/13 55/21 83/15 95/21 97/9 104/14 105/11 121/24 interrogatory [27] 27/18 28/25 29/6 29/11 30/21 31/17 31/17 31/20 32/1 32/23 35/20 36/12 37/2 37/16 51/3 53/23 55/5 55/6 55/7 56/11 64/4 64/10 66/13 66/18 66/21 82/4 82/8 intimately [1] 110/3 introduce [2] 3/9 75/20 involved [4] 28/6 82/21 104/4 106/25 involvement [1] 124/15 Iowa [2] 44/1 47/1 ironically [1] 44/7 irrelevant [4] 38/6 42/1 65/4 65/6 is [738] isn't [10] 26/6 47/2 49/8 108/15 113/12 113/24 114/2 114/11 117/1 117/6 issue [64] 5/11 8/15 8/18 9/9 9/18 11/2 11/8 11/15 11/19 16/4 16/21 25/19 27/24 28/1 28/2 32/11 33/3 33/22 33/25 37/9 37/10 37/16 37/17 39/10 49/7 54/6 55/13 65/8 73/1 73/21 74/1 74/7 74/15 74/25 94/14 95/16 97/2 101/2 104/1 105/17 105/25 106/2 106/4 106/5 106/9 106/10 107/1 108/3 111/4 114/9 116/8 116/8 116/9 117/13 118/9 118/10 118/12 118/13 118/20 119/6 120/21 121/21 122/19 123/19 issue then [1] 54/6 issued [1] 8/1 issues [22] 6/11 7/2 7/21 8/5 8/22 11/18 27/12 37/18 40/2 71/24 74/16 74/17 74/23 78/6 83/14 83/20 89/21 89/22 96/1 105/1 108/5 125/14 it [398] it a [1] 36/1 it's [9] 9/18 42/9 45/22 49/13 65/4 65/7 82/3 85/5 119/7 items [1] 34/19 iteration [1] 86/19 its [20] 8/7 10/7 15/14 15/15 17/6 24/24 37/11 39/2 39/4 42/19 54/3 54/9 65/14 88/6 93/19 93/19 94/1 94/1 94/18 94/19 itself [6] 12/6 15/7 67/14 73/15 91/12 109/18	Jersey [2] 61/7 61/12 job [4] 21/11 39/23 40/6 40/6 joined [1] 106/4 joint [6] 6/10 6/25 8/8 50/1 70/15 95/12 joint memo [1] 95/12 JOSHUA [3] 2/1 3/24 54/18 judge [68] 1/10 4/25 5/5 5/10 5/18 7/25 8/4 8/5 10/11 10/20 10/25 12/2 14/17 14/20 17/9 17/17 18/5 23/5 27/1 28/19 59/18 59/22 62/2 64/15 68/17 69/1 71/3 75/19 91/11 99/21 102/8 102/8 102/19 103/2 104/2 104/7 104/10 105/3 106/2 106/4 106/13 107/13 107/17 108/3 108/4 108/19 109/6 109/24 110/7 110/11 110/17 110/17 110/22 111/4 111/8 111/19 111/24 112/9 112/23 113/16 113/22 114/9 117/22 122/4 122/13 123/7 124/12 124/24 judgment [2] 12/5 117/3 jump [1] 81/21 June [1] 23/18 jurisdiction [142] jurisdiction focuses [1] 121/3 jurisdictional [88] 4/17 4/23 5/1 5/2 5/8 6/13 8/16 9/14 9/23 10/6 10/12 10/17 11/1 11/9 11/23 12/1 12/11 12/15 12/24 15/4 17/18 17/24 18/4 19/21 19/22 20/23 22/5 22/11 24/25 25/13 25/23 29/12 37/10 54/23 60/16 61/20 62/4 62/6 68/16 68/20 68/25 73/3 73/22 74/7 91/1 95/8 97/14 97/24 98/7 98/7 99/14 101/21 102/1 102/3 102/4 102/6 102/19 102/22 103/6 103/9 103/14 103/15 103/23 105/3 106/16 106/18 107/7 107/14 111/1 111/2 111/16 112/6 113/14 114/16 115/2 115/21 116/18 117/13 117/20 117/22 117/23 121/16 123/2 123/5 124/5 124/19 124/22 124/24 jurisdictions [5] 15/22 15/25 16/12 23/22 43/6 just [67] 4/5 4/17 7/7 12/22 13/16 14/8 17/12 19/18 20/22 26/6 26/7 29/10 33/24 34/22 35/22 35/23 36/10 36/17 38/24 39/16 39/17 39/18 40/5 41/1 41/7 49/11 49/17 50/21 52/13 56/19 61/14 61/21 68/15 68/22 70/8 70/11 73/1 73/5 77/5 78/3 79/14 84/9 86/5 86/19 89/9 90/1 91/13 92/1 93/25 95/3 96/15 98/6 99/1 103/25 107/8 111/10 115/25 116/8 119/14 119/19 120/11 120/21 121/14 121/22 122/9 122/22 124/4	justices [1] 88/17 K Kansas [1] 46/25 keep [2] 66/9 68/21 keeps [3] 34/23 39/3 71/24 Kentucky [1] 52/2 kind [12] 27/10 37/25 38/17 43/23 52/1 61/16 61/16 71/24 74/12 77/23 78/17 105/25 KLARFELD [26] 2/1 3/24 4/8 6/8 6/18 6/23 9/13 9/15 10/13 25/24 29/22 41/5 54/18 96/8 97/3 97/4 102/17 103/22 103/25 107/3 112/19 114/1 120/10 122/9 122/20 124/14 Klarfeld's [3] 123/4 123/20 124/3 knew [2] 108/20 108/21 know [56] 15/17 16/14 23/1 27/8 30/2 32/19 34/3 38/12 38/15 40/6 40/17 48/21 49/1 49/2 49/2 49/3 49/7 49/8 49/9 51/17 53/4 54/11 55/6 57/10 58/10 62/19 65/13 67/24 72/9 72/11 72/16 72/21 73/16 75/24 76/8 83/3 83/25 84/1 85/24 86/2 86/15 87/25 89/14 91/20 91/25 92/2 95/13 95/22 96/3 96/24 104/11 106/13 109/1 110/6 113/23 116/11 knowing [1] 12/5 knowledge [2] 86/3 89/18 known [2] 6/1 85/14 Kopelowitz [1] 1/16 L label [22] 12/21 40/18 40/19 62/17 85/2 85/8 85/10 85/21 85/22 86/5 86/10 86/15 86/16 86/17 86/18 86/20 90/13 93/3 93/9 94/10 94/12 96/12 labeled [1] 85/15 labeler [16] 12/19 12/20 19/10 58/13 58/14 60/3 60/14 63/13 84/7 86/21 87/4 90/4 92/22 93/1 93/4 93/6 labelers [2] 85/1 85/14 labeling [5] 21/14 62/15 86/2 87/15 89/4 labels [1] 86/8 lack [9] 4/20 24/21 65/23 75/1 101/8 101/11 105/2 112/15 122/25 lacking [1] 53/10 laid [1] 101/25 landing [1] 106/14 large [1] 67/23 larger [1] 72/1 LaSalle [1] 1/13 last [22] 6/14 7/25 8/1 20/7 35/3 35/5 35/19 41/3 60/5 72/25 73/12 76/21 89/22 92/19 96/4 97/1 97/5 99/1 103/3 119/17 119/22 121/13 late [2] 95/13 96/3 later [3] 53/9 111/5 111/18
J Jeffrey [2] 48/15 48/16		

L law [30] 1/12 7/16 7/17 8/22 11/10 11/12 13/7 35/15 35/18 45/18 57/1 61/7 61/13 68/15 79/10 97/13 97/13 97/17 97/19 98/8 101/14 103/21 103/22 107/12 120/14 120/15 120/16 120/18 123/15 123/22 laws [4] 17/6 108/14 108/16 109/3 lawsuit [1] 103/6 lawyer [2] 96/11 110/6 lawyers [1] 75/6 lay [2] 8/4 100/17 lead [4] 3/7 91/8 97/4 99/19 leads [1] 91/1 learned [2] 13/21 82/12 least [13] 7/9 12/24 36/19 62/4 70/24 79/19 90/23 100/1 106/15 107/10 108/11 109/1 121/24 leave [6] 5/8 21/8 24/19 31/16 101/21 111/12 leaves [1] 10/24 led [1] 103/1 left [1] 12/9 legal [8] 11/8 56/25 57/3 65/3 65/4 67/16 68/16 68/23 lend [1] 87/18 length [6] 36/11 36/11 36/13 47/11 55/17 74/21 Leon [1] 1/17 less [3] 44/5 45/16 54/7 let [57] 3/4 3/17 3/21 4/1 4/5 5/15 7/8 9/4 10/8 11/17 11/19 11/22 16/22 17/16 18/16 22/2 22/8 24/17 26/3 27/25 28/12 29/8 30/7 30/24 32/24 36/9 39/19 44/2 44/9 50/19 52/16 57/6 60/5 67/4 71/6 76/16 77/13 79/3 80/8 81/21 86/23 89/20 94/7 95/19 96/6 96/14 97/1 99/22 100/4 105/4 107/10 110/21 112/19 112/21 115/6 122/6 125/18 let's [28] 26/10 27/9 27/11 27/13 27/18 31/20 33/15 36/17 39/13 40/13 42/14 50/18 64/20 65/12 71/9 74/11 80/7 81/21 81/22 81/24 84/24 85/9 89/22 93/12 97/12 101/19 114/18 116/14 letter [1] 13/11 level [4] 22/10 43/18 54/12 67/14 levels [1] 47/23 liability [4] 1/5 3/2 73/11 92/10 license [1] 104/10 light [3] 10/5 19/14 117/4 like [35] 9/5 9/6 9/24 11/7 15/4 26/16 27/24 33/4 35/24 41/1 52/3 53/19 53/20 56/16 56/17 56/25 66/23 66/25 67/4 70/1 70/9 71/10 71/20 79/24 82/7 82/14 87/13 90/2 90/3 103/18 106/18 112/20 116/6	116/8 122/20 likely [2] 36/18 38/16 limit [3] 25/15 28/17 73/24 limitation [1] 80/17 limitations [1] 118/16 limited [13] 3/22 3/24 4/2 4/4 4/7 17/18 34/24 55/11 71/10 73/13 80/15 102/9 103/9 line [3] 5/19 47/15 79/3 linearly [1] 82/14 lines [1] 47/5 linkage [1] 52/9 list [5] 35/4 35/6 39/8 39/13 51/17 listed [2] 65/22 88/2 listen [1] 96/11 listening [1] 110/7 listing [1] 39/4 literally [1] 99/1 litigated [1] 65/8 litigation [7] 1/5 3/3 53/25 71/3 92/11 100/15 124/25 little [14] 9/7 16/21 26/23 47/18 68/2 72/17 74/23 79/16 79/20 100/4 107/9 118/14 119/11 121/13 live [2] 28/2 108/22 LLP [3] 1/23 2/1 2/5 loading [1] 40/10 locate [1] 89/11 located [3] 15/9 27/4 39/23 location [1] 54/15 locations [1] 34/9 Lockhart [1] 81/7 locking [1] 23/6 lodge [1] 30/5 lodges [1] 52/14 Logan [1] 1/23 logically [1] 33/21 logistic [1] 94/2 logo [1] 86/20 long [6] 22/16 32/20 107/14 110/6 113/19 125/18 longer [1] 117/24 look [22] 9/24 12/13 21/22 21/24 21/25 34/19 35/17 45/9 54/19 64/18 70/11 76/11 78/11 84/11 85/10 85/13 89/9 93/5 108/1 117/19 117/19 124/16 looked [2] 16/5 18/7 looking [27] 26/17 32/8 35/21 35/22 37/24 38/5 38/9 45/5 58/2 58/7 58/18 65/18 65/20 75/8 75/18 76/1 76/4 78/21 79/14 86/7 86/16 86/19 93/22 94/4 96/18 122/1 122/4 looks [3] 82/14 84/13 112/20 lose [1] 22/24 lost [1] 23/1 lot [10] 26/10 67/3 68/10 77/4 81/9 81/9 84/16 86/3 96/7 118/16 lots [1] 47/10 low [1] 78/23 lower [1] 41/17 lump [2] 74/13 77/22	M machine [3] 44/17 87/22 87/24 machines [1] 88/22 made [16] 7/25 21/21 37/11 54/2 54/2 72/3 77/8 77/11 84/11 84/14 88/2 91/11 95/4 98/13 98/18 119/23 MADERAL [43] 1/19 3/12 3/15 22/25 28/14 28/21 28/22 28/24 33/2 38/2 39/16 41/3 41/10 43/2 49/10 52/16 55/16 57/8 60/4 61/23 63/6 65/9 71/22 74/11 74/18 77/7 79/4 82/1 82/5 83/6 83/10 83/13 83/22 87/16 90/18 91/14 91/17 93/14 98/12 99/10 102/14 102/17 124/14 Maderal's [3] 91/4 94/10 96/22 MAGISTRATE [2] 1/10 104/2 Mahoney [1] 2/5 main [1] 92/21 maintain [1] 120/1 make [27] 10/25 13/7 13/12 14/11 15/1 20/13 21/20 22/12 25/22 31/7 44/14 49/22 50/13 57/24 61/21 67/10 67/16 91/25 95/5 99/25 103/19 107/3 107/3 111/18 113/4 114/1 115/6 makes [7] 11/16 32/16 45/24 48/12 56/18 71/4 121/2 making [8] 39/3 91/15 98/6 107/10 107/11 107/16 114/12 114/13 makings [1] 39/5 manufacture [7] 13/2 13/4 63/18 85/7 87/23 90/13 90/18 manufactured [10] 58/15 76/5 88/7 99/6 105/8 105/22 106/8 109/17 116/10 116/16 manufacturer [3] 88/5 88/21 90/20 manufacturer's [1] 85/9 manufacturers [1] 109/22 manufacturers' [1] 99/4 manufactures [2] 84/3 87/5 manufacturing [17] 13/5 47/21 54/6 57/23 58/1 58/4 60/13 73/14 86/25 87/5 87/6 87/11 87/14 87/14 90/3 90/12 92/23 many [8] 35/4 47/20 53/20 69/18 91/7 105/6 105/11 119/20 market [33] 12/16 12/21 13/13 13/17 14/14 18/10 18/16 18/16 19/15 20/10 36/25 37/12 38/8 50/23 50/25 54/4 58/5 58/12 60/9 60/21 71/13 73/23 78/13 86/1 90/5 90/9 90/15 91/6 91/9 91/25 92/3 92/15 94/22 marketed [5] 20/13 21/21 51/5 57/25 123/13 marketing [16] 28/6 37/20
---	---	---

<p>M</p> <p>marketing... [14] 37/21 39/25 40/11 40/23 58/22 69/21 71/16 73/25 74/5 78/13 80/15 93/7 93/8 93/10</p> <p>markets [1] 90/19</p> <p>MARLENE [2] 1/12 3/14</p> <p>Mart [14] 85/4 85/6 85/10 85/16 85/21 86/3 86/15 86/16 93/19 93/19 93/20 93/23 94/18 96/13</p> <p>Mart's [2] 94/13 96/12</p> <p>Marts [1] 93/18</p> <p>Maryland [14] 15/9 15/20 24/3 26/20 26/21 27/4 54/3 54/4 54/8 54/9 57/8 57/9 59/15 60/7</p> <p>master [10] 12/3 23/11 24/15 25/5 100/5 100/7 119/10 119/12 119/16 120/4</p> <p>matches [1] 40/19</p> <p>material [1] 94/21</p> <p>materials [3] 38/19 89/10 89/15</p> <p>matter [19] 7/16 8/7 8/22 11/1 69/2 77/10 93/3 97/13 98/2 98/8 99/13 102/11 106/18 106/25 107/11 120/15 120/18 124/16 126/2</p> <p>matters [1] 4/16</p> <p>maxim [1] 97/23</p> <p>may [39] 4/11 11/12 11/14 11/14 23/2 23/17 27/1 27/15 28/3 28/5 32/15 33/7 33/7 33/17 34/12 40/15 46/21 50/19 55/24 66/25 66/25 67/11 74/16 76/17 76/23 81/5 81/13 81/14 83/22 84/8 84/19 84/23 89/19 93/24 96/2 96/3 100/12 105/19 108/2</p> <p>maybe [14] 9/6 9/11 11/20 22/9 30/25 34/23 38/3 44/16 52/5 96/10 105/20 108/4 119/18 121/13</p> <p>MBD [1] 62/17</p> <p>McIntyre [9] 44/13 44/15 53/1 53/2 62/21 70/12 79/17 87/21 88/17</p> <p>md [2] 1/3 3/2</p> <p>MDL [3] 112/11 119/23 125/4</p> <p>me [99] 3/4 3/17 3/21 4/1 4/5 4/6 5/12 5/15 7/2 7/4 7/8 7/15 7/21 9/4 10/8 11/10 11/17 11/19 11/22 13/18 16/22 20/19 22/8 23/3 23/4 24/17 26/3 26/8 26/23 27/11 27/25 28/12 29/8 30/7 30/24 32/24 36/9 38/6 39/19 41/6 42/15 44/2 44/9 46/14 49/1 49/10 49/12 49/17 50/19 52/16 57/5 57/6 60/5 64/15 67/4 68/21 69/7 69/13 69/14 69/19 69/24 71/6 76/16 77/13 79/3 80/8 81/21 86/23 88/20 88/21 89/19 89/20 91/14 94/7 95/12 95/19 96/6 97/1 99/22 100/4 102/17 105/4 107/9</p>	<p>107/10 108/13 110/7 110/21 112/19 112/21 113/13 114/2 115/6 115/13 116/6 122/6 125/8 125/13 125/18 125/20</p> <p>mean [7] 36/14 73/6 75/9 76/4 80/24 105/5 115/24</p> <p>meaning [1] 103/13</p> <p>means [3] 12/20 32/11 36/19</p> <p>meant [3] 10/16 32/10 75/22</p> <p>meat [2] 72/17 84/16</p> <p>medical [1] 101/1</p> <p>meet [11] 9/6 9/21 10/4 11/11 11/16 82/10 96/7 102/16 102/20 125/2 125/5</p> <p>meeting [1] 102/13</p> <p>membership [1] 66/24</p> <p>memo [3] 6/25 95/12 106/16</p> <p>memorandum [2] 13/10 101/14</p> <p>memory [1] 69/22</p> <p>Memphis [1] 19/25</p> <p>mention [4] 20/19 21/19 29/24 52/1</p> <p>mentioned [7] 5/14 6/23 7/8 13/1 19/24 35/23 38/3</p> <p>mere [2] 30/14 84/17</p> <p>merely [2] 82/22 91/11</p> <p>merge [1] 108/2</p> <p>merit [3] 12/4 12/10 74/17</p> <p>merits [7] 5/12 8/18 12/6 20/22 91/2 95/2 101/22</p> <p>met [2] 8/2 17/9</p> <p>metal [1] 87/24</p> <p>Mexico [1] 113/19</p> <p>Miami [2] 1/18 104/2</p> <p>mid [1] 106/5</p> <p>might [13] 7/10 27/24 30/14 39/6 42/19 44/8 45/9 74/19 82/12 82/16 82/17 82/19 111/12</p> <p>milligram [1] 84/25</p> <p>millions [1] 123/16</p> <p>mind [2] 76/23 113/6</p> <p>minds [1] 36/4</p> <p>minimum [2] 11/7 113/2</p> <p>Minneapolis [1] 1/14</p> <p>minute [1] 81/22</p> <p>minutes [1] 98/13</p> <p>miss [1] 73/3</p> <p>missed [1] 30/25</p> <p>mistaken [1] 10/21</p> <p>mistakenly [1] 70/2</p> <p>misunderstanding [1] 121/10</p> <p>misunderstood [1] 122/14</p> <p>mitigates [1] 38/23</p> <p>MN [1] 1/14</p> <p>Moby [2] 69/13 69/23</p> <p>modification [1] 36/14</p> <p>moment [3] 33/6 33/24 66/6</p> <p>Monday [1] 5/21</p> <p>monetary [1] 101/1</p> <p>money [1] 91/25</p> <p>month [1] 72/13</p> <p>months [2] 107/21 111/5</p> <p>moot [6] 27/24 28/1 28/3 113/3 113/24 114/3</p> <p>more [39] 8/20 15/1 16/21 25/20 30/12 32/9 32/16 44/8 44/17 45/9 48/23 49/3 57/17</p>	<p>68/22 69/8 69/12 70/23 71/4 72/1 72/2 72/6 72/7 72/17 72/22 75/24 79/16 79/20 80/25 82/21 86/12 87/5 93/1 102/15 105/19 105/22 110/3 119/11 120/21 122/3</p> <p>Moreno's [1] 71/3</p> <p>Morisau [1] 97/20</p> <p>Morrison [1] 2/5</p> <p>most [6] 19/14 70/2 70/5 70/6 78/5 117/4</p> <p>motion [48] 5/2 5/4 5/21 8/4 12/6 13/1 15/3 15/15 17/3 20/22 21/4 29/25 67/17 67/18 67/22 101/5 101/8 101/12 101/20 101/20 101/21 101/23 101/24 101/25 102/2 102/5 103/1 104/24 104/25 105/1 106/3 106/10 106/11 106/17 106/18 107/19 109/23 110/21 111/7 112/4 112/14 117/2 117/11 117/16 117/19 117/21 122/25 123/6</p> <p>motions [12] 4/19 4/22 4/24 110/12 110/13 110/14 110/18 110/19 110/23 110/24 110/25 111/3</p> <p>mouth [1] 96/9</p> <p>move [3] 50/18 57/6 104/13</p> <p>moved [2] 63/16 119/1</p> <p>moving [3] 39/1 42/2 112/2</p> <p>Mr [156]</p> <p>Ms [11] 4/10 10/8 10/9 16/24 20/4 20/9 21/10 21/12 22/2 97/3 102/17</p> <p>Ms. [15] 3/15 6/20 10/22 11/2 11/3 11/20 11/22 16/23 20/6 26/1 57/21 92/18 103/11 106/13 124/13</p> <p>Ms. Battisti [7] 6/20 11/3 11/20 16/23 26/1 92/18 103/11</p> <p>Ms. Coleman [1] 10/22</p> <p>Ms. Goldenberg [6] 3/15 11/2 11/22 20/6 57/21 124/13</p> <p>Ms. Stipes [1] 106/13</p> <p>much [13] 7/1 26/16 35/2 51/20 54/7 70/7 73/11 76/20 77/18 98/14 98/23 111/10 125/23</p> <p>multiple [3] 44/20 84/10 111/13</p> <p>must [2] 37/19 68/3</p> <p>muted [2] 23/2 112/20</p> <p>my [47] 3/8 7/13 8/12 11/5 15/8 16/5 23/7 23/8 25/22 26/25 29/18 31/6 32/9 40/9 43/20 49/4 49/5 51/24 76/23 77/14 77/19 78/19 78/24 84/3 88/21 88/22 88/23 90/21 90/25 92/17 92/21 95/20 107/18 108/12 110/11 111/6 112/9 114/6 114/7 115/13 118/7 119/15 122/14 122/17 124/23 125/3 125/14</p> <p>Mylan [4] 13/16 54/1 54/5 92/11</p> <p>myself [3] 4/8 90/19 107/9</p>
---	---	---

<p>N</p> <p>N.Y [1] 2/6</p> <p>name [10] 20/11 31/21 35/2 52/6 69/18 75/14 93/19 104/22 109/22 119/20</p> <p>named [16] 16/6 17/16 23/20 28/5 28/11 28/16 28/17 29/3 29/5 29/6 29/21 34/22 48/15 48/16 106/7 111/17</p> <p>named in [1] 16/6</p> <p>names [2] 34/25 50/3</p> <p>narrative [1] 35/21</p> <p>narrow [5] 25/12 25/19 29/12 35/19 102/9</p> <p>narrower [1] 114/16</p> <p>narrowly [13] 17/18 25/15 30/12 41/2 42/7 42/9 64/15 72/3 72/5 74/15 75/22 80/23 99/15</p> <p>nature [8] 31/22 34/15 35/8 35/20 36/1 39/10 66/14 66/18</p> <p>NDMA [1] 73/16</p> <p>Nebraska [1] 47/1</p> <p>necessarily [6] 30/15 64/25 79/22 86/15 86/19 91/8</p> <p>necessary [2] 12/23 77/4</p> <p>need [36] 7/7 38/15 48/23 49/3 49/6 50/12 50/16 52/18 52/21 53/21 53/22 54/15 58/1 62/11 65/20 66/21 68/5 68/9 68/11 71/4 86/15 86/19 93/13 94/9 101/25 102/1 102/18 103/5 104/11 109/6 113/3 114/3 114/10 114/21 117/16 123/2</p> <p>need a [1] 114/10</p> <p>needed [9] 13/12 16/4 17/23 57/17 101/14 102/4 102/6 102/12 107/23</p> <p>needing [2] 68/12 123/1</p> <p>needs [1] 72/17</p> <p>negotiate [1] 9/6</p> <p>neither [1] 42/24</p> <p>net [1] 73/8</p> <p>never [7] 15/19 18/21 21/6 92/6 92/6 106/2 123/20</p> <p>New [4] 2/6 61/7 61/12 113/19</p> <p>newly [1] 64/5</p> <p>next [1] 105/19</p> <p>nexus [2] 121/3 121/5</p> <p>NICOLE [3] 2/4 4/3 89/23</p> <p>night [4] 6/14 7/25 103/3 119/22</p> <p>no [72] 1/3 6/2 6/17 6/22 10/10 11/11 20/5 25/9 25/25 26/2 29/23 36/2 36/20 36/21 39/17 42/5 45/1 46/25 47/17 52/8 54/6 60/14 62/21 64/21 68/5 71/8 71/11 73/13 73/17 75/7 81/19 82/3 83/5 83/7 83/11 87/17 88/1 88/11 92/7 92/7 92/8 98/15 98/16 99/11 99/22 102/6 103/17 106/22 107/2 107/2 108/15 110/9 110/16 113/12 114/8 115/1 115/14 115/21 116/12 116/21</p>	<p>116/23 117/16 117/24 118/11 119/12 120/15 120/16 120/17 121/5 121/5 122/23 124/9</p> <p>nobody [2] 99/10 115/12</p> <p>non [7] 8/10 38/2 62/4 75/18 87/4 101/5 105/18</p> <p>non-Cadila [1] 62/4</p> <p>non-fishing [1] 75/18</p> <p>non-foreign [1] 8/10</p> <p>non-product [1] 87/4</p> <p>none [6] 20/1 60/11 61/17 62/21 74/14 87/9</p> <p>Nonetheless [1] 53/24</p> <p>nonindependent [5] 48/3 53/6 70/23 76/2 79/9</p> <p>nonpublic [1] 52/20</p> <p>nonsensical [1] 62/25</p> <p>nonspecific [1] 17/8</p> <p>not [244]</p> <p>not permitted [1] 19/20</p> <p>not prima [1] 46/9</p> <p>note [2] 19/24 61/21</p> <p>noted [1] 117/11</p> <p>notes [1] 108/12</p> <p>nothing [9] 6/9 6/22 21/11 42/6 45/18 60/20 87/1 103/22 118/2</p> <p>notice [1] 76/18</p> <p>notifying [1] 23/19</p> <p>November [1] 1/5</p> <p>now [25] 3/9 8/6 33/9 36/23 40/22 48/5 50/18 53/12 59/7 62/24 66/6 70/1 76/5 77/25 81/12 81/13 91/7 96/6 101/2 103/19 106/3 112/3 119/15 119/18 123/7</p> <p>nowhere [5] 101/12 101/12 101/13 102/2 102/12</p> <p>NTSB [1] 88/6</p> <p>number [55] 3/1 8/2 24/24 25/2 27/18 29/6 29/11 30/21 31/20 31/24 32/3 36/11 36/22 36/23 37/15 37/16 39/13 39/20 40/1 40/2 40/24 42/14 42/21 50/18 51/2 53/2 53/23 57/6 60/6 60/11 60/22 61/3 64/21 66/12 66/13 71/9 73/17 74/11 80/7 80/11 80/12 80/14 80/17 81/11 81/12 81/18 81/25 84/25 85/12 93/13 95/5 95/6 100/19 122/22 123/23</p> <p>numbers [2] 63/10 63/12</p>	<p>obligated [1] 56/13</p> <p>obligation [1] 77/15</p> <p>obtaining [2] 5/6 60/13</p> <p>obviously [8] 6/12 23/25 38/4 62/25 66/5 88/5 92/6 92/25</p> <p>occurred [2] 23/3 35/17</p> <p>October [2] 4/25 101/9</p> <p>October 30th [1] 4/25</p> <p>October 8th [1] 101/9</p> <p>of an [1] 92/23</p> <p>of not [1] 92/5</p> <p>off [2] 28/13 28/21</p> <p>offering [1] 96/23</p> <p>offers [1] 80/1</p> <p>office [1] 39/3</p> <p>officer [1] 81/14</p> <p>officers [3] 80/22 81/10 83/8</p> <p>offices [1] 33/18</p> <p>Official [2] 2/9 126/5</p> <p>often [1] 125/6</p> <p>oftentimes [1] 56/7</p> <p>oh [1] 102/22</p> <p>Ohio [1] 2/3</p> <p>okay [43] 9/2 9/15 10/15 13/23 15/20 16/10 19/13 24/17 26/19 27/9 28/12 29/8 30/7 31/16 31/18 36/5 41/7 43/2 43/20 49/19 49/21 51/24 54/17 55/15 65/9 67/8 71/9 71/22 72/24 74/18 78/20 81/20 82/23 86/13 89/1 98/11 107/25 110/20 111/14 113/2 114/24 122/18 124/7</p> <p>once [5] 55/6 95/25 117/23 120/25 125/16</p> <p>one [122] 1/23 8/2 10/24 13/9 14/5 18/9 21/14 22/15 22/16 22/19 24/24 25/2 25/13 26/12 27/1 29/5 29/10 31/24 32/3 34/19 34/20 34/23 35/22 36/5 36/11 36/22 37/9 37/15 38/14 40/1 40/17 41/13 41/22 42/21 44/11 45/14 48/21 48/24 51/16 52/17 53/2 60/6 60/10 61/3 61/12 61/14 61/14 61/15 62/2 65/11 65/19 71/24 72/13 73/17 74/13 75/15 76/18 77/23 78/4 78/25 80/9 80/24 81/3 81/8 82/10 82/11 82/25 83/2 83/4 83/9 83/20 84/2 84/12 84/21 84/23 86/5 86/21 87/5 90/21 92/4 92/7 92/7 92/19 96/21 97/13 98/9 98/15 99/5 99/9 99/19 100/1 101/11 105/22 106/9 109/9 110/19 111/9 112/25 113/19 114/23 114/24 115/1 116/10 116/15 116/22 117/9 119/4 119/24 120/3 122/10 122/22 123/5 123/8 123/9 123/9 123/10 123/10 123/12 123/20 124/4 125/3 125/7</p> <p>ones [2] 14/10 112/2</p> <p>oneself [2] 91/6 91/9</p> <p>only [35] 5/19 12/8 13/5 15/21 17/4 17/17 25/19 29/23</p>
<p>O</p>	<p>object [10] 29/11 32/1 36/11 51/2 52/7 52/11 74/2 74/3 74/8 89/3</p> <p>objecting [3] 30/21 31/17 64/11</p> <p>objection [17] 29/15 30/4 30/5 30/25 31/8 31/10 31/11 39/20 42/15 52/14 65/3 65/5 72/16 74/12 74/13 80/5 80/10</p> <p>objectionable [3] 51/6 51/7 55/12</p> <p>objections [2] 32/22 36/6</p> <p>objective [1] 20/15</p> <p>objectively [1] 20/12</p>	

<p>O</p> <p>only... [27] 33/22 34/1 34/20 38/9 51/17 53/11 54/10 54/20 55/10 63/18 66/10 76/13 87/16 90/20 93/22 97/10 98/2 98/4 102/19 103/7 108/6 110/17 111/4 115/22 119/5 120/2 121/19</p> <p>open [2] 117/23 118/3</p> <p>opened [1] 98/24</p> <p>opening [2] 33/18 39/2</p> <p>operate [1] 78/8</p> <p>operates [1] 94/16</p> <p>opinion [1] 49/14</p> <p>opinions [1] 76/21</p> <p>opportunity [6] 77/17 95/25 97/25 124/20 125/2 125/8</p> <p>opposed [2] 94/18 94/19</p> <p>opposing [1] 112/19</p> <p>opposite [1] 55/2</p> <p>opposition [7] 5/20 5/22 102/2 102/12 106/15 107/20 111/2</p> <p>or agency [1] 67/15</p> <p>oral [1] 106/5</p> <p>order [32] 4/25 5/5 5/9 5/10 6/13 8/1 8/7 11/15 11/25 14/7 14/12 16/4 17/11 27/2 27/16 29/12 30/14 30/23 37/11 37/24 40/23 41/14 57/21 68/18 69/2 91/11 102/5 102/25 103/2 120/23 122/18 125/21</p> <p>ordered [2] 8/5 10/11</p> <p>orders [2] 40/3 72/9</p> <p>organizational [1] 36/3</p> <p>organized [1] 17/6</p> <p>organized and [1] 17/6</p> <p>original [1] 117/12</p> <p>Ostrow [1] 1/16</p> <p>other [73] 4/9 4/12 5/15 5/19 5/25 6/17 7/13 11/18 11/25 12/8 14/5 14/6 14/17 14/19 15/6 15/11 15/22 17/19 18/17 18/19 20/24 22/19 22/21 24/23 28/15 28/17 29/19 29/19 29/20 29/24 33/21 36/6 37/16 40/10 40/11 45/24 46/2 46/18 47/12 49/2 51/10 52/19 57/8 57/9 59/19 60/1 63/20 68/23 69/10 69/15 71/6 74/16 82/19 83/20 85/2 85/8 89/17 89/20 89/21 91/9 95/20 97/9 98/5 103/20 106/23 107/3 108/1 109/15 111/18 119/1 120/17 125/6 125/14</p> <p>others [4] 30/12 31/14 100/12 123/16</p> <p>otherwise [6] 29/3 40/1 45/23 71/19 107/15 120/20</p> <p>ought [1] 125/15</p> <p>our [79] 5/22 7/24 8/12 8/20 11/3 11/25 18/14 18/20 23/25 24/24 25/12 25/17 28/9 29/11 29/15 29/17 32/22 32/23 34/23 36/3 36/17 37/4 39/23</p>	<p>41/1 44/10 46/20 46/21 47/8 47/9 47/14 48/13 48/13 50/1 50/14 51/8 51/9 52/9 55/11 59/5 59/7 59/8 60/23 61/22 62/5 62/7 62/10 65/1 70/15 73/14 83/18 87/11 87/11 88/11 94/11 98/5 98/21 98/22 99/9 99/11 99/15 101/16 102/2 103/2 106/1 106/15 109/5 109/20 111/2 113/11 113/17 117/11 117/12 117/12 117/14 119/6 119/7 120/3 121/6 123/24</p> <p>ourselves [2] 14/25 46/24</p> <p>out [49] 8/4 10/18 12/23 18/21 23/6 25/9 26/23 27/16 40/5 41/23 42/18 44/5 44/6 44/9 52/6 53/15 53/24 54/10 56/21 60/11 63/4 64/16 65/22 69/24 70/4 70/10 72/8 72/21 73/4 79/24 80/4 82/7 87/22 88/5 88/13 88/16 90/1 91/7 95/19 97/20 98/10 101/25 102/11 103/5 105/10 105/13 125/16 125/16 125/21</p> <p>outcome [1] 61/16</p> <p>outside [1] 40/3</p> <p>over [42] 8/3 9/21 11/12 12/9 14/9 15/24 17/22 17/25 27/19 32/3 32/8 32/12 32/15 32/18 32/18 32/20 34/17 35/2 42/5 43/18 43/25 44/19 45/13 51/4 61/10 62/12 64/21 67/1 68/25 71/20 72/22 74/9 75/1 84/18 89/4 89/12 89/20 99/14 105/18 110/21 113/13 116/24</p> <p>overall [4] 12/5 40/16 43/12 45/10</p> <p>overcomes [1] 91/2</p> <p>overlap [2] 66/20 66/22</p> <p>overlapping [6] 48/25 56/7 65/21 65/21 81/10 81/13</p> <p>overly [2] 71/19 71/21</p> <p>overruled [1] 106/25</p> <p>overseas [1] 21/20</p> <p>overwhelming [3] 45/19 103/24 106/21</p> <p>own [7] 12/18 14/18 19/5 52/5 85/3 94/18 94/19</p> <p>owned [7] 36/1 48/2 56/5 56/6 56/10 56/12 56/20</p> <p>oxymoron [1] 85/5</p> <p>Oz [1] 110/9</p> <hr/> <p>P</p> <p>PA [1] 1/24</p> <p>packaging [1] 26/6</p> <p>page [2] 14/12 25/1</p> <p>pages [2] 65/16 69/12</p> <p>paid [4] 98/22 100/25 119/7 122/11</p> <p>pain [1] 75/7</p> <p>Pakistan [2] 38/8 38/16</p> <p>PALM [3] 1/2 1/5 2/10</p> <p>papered [1] 82/13</p> <p>papers [5] 75/20 97/18 98/5 123/1 123/24</p> <p>paragraph [4] 12/2 14/3</p>	<p>69/13 69/13</p> <p>paragraph that [1] 14/3</p> <p>paragraphs [6] 12/3 12/7 14/10 14/10 14/18 14/20</p> <p>parameters [1] 125/1</p> <p>paraphrase [1] 103/12</p> <p>parent [10] 26/15 35/9 56/5 56/21 61/9 66/3 66/19 67/1 76/8 78/25</p> <p>parents [2] 50/7 69/9</p> <p>part [14] 5/1 5/2 45/13 51/11 51/21 73/3 73/20 80/24 81/12 82/8 82/9 82/9 115/22 124/19</p> <p>participate [1] 3/5</p> <p>particular [17] 18/10 23/24 33/16 39/25 42/24 43/8 43/22 43/23 57/17 58/6 60/19 86/3 87/25 90/15 100/9 112/5 116/2</p> <p>particularity [2] 68/17 68/18</p> <p>particularly [6] 56/10 61/6 64/11 77/2 79/11 91/8</p> <p>Particulars [1] 59/6</p> <p>parties [15] 3/4 6/10 6/23 7/3 9/8 11/5 23/19 30/22 47/6 56/24 89/19 107/21 124/21 125/4 125/12</p> <p>parties' [1] 97/18</p> <p>party [22] 10/21 15/18 16/6 19/24 23/15 30/14 52/2 55/17 55/19 55/19 57/1 76/25 82/17 94/2 94/3 98/21 100/21 104/19 104/20 108/5 108/23 119/3</p> <p>pass [2] 28/13 96/14</p> <p>passage [1] 107/20</p> <p>passing [1] 28/20</p> <p>past [2] 53/5 102/10</p> <p>patent [2] 53/25 92/11</p> <p>patience [1] 124/13</p> <p>Pauline [2] 2/9 126/5</p> <p>Pause [1] 31/5</p> <p>pay [1] 121/6</p> <p>paying [1] 98/14</p> <p>payment [1] 119/9</p> <p>payor [5] 16/6 23/15 98/21 108/5 119/3</p> <p>payors [1] 104/20</p> <p>pending [5] 6/11 108/3 109/5 109/23 111/1</p> <p>people [10] 46/25 85/2 91/7 100/10 100/12 100/13 104/21 105/7 108/25 109/15</p> <p>percent [3] 24/16 57/19 123/6</p> <p>percentage [1] 43/13</p> <p>perhaps [3] 32/9 34/22 93/9</p> <p>period [21] 31/1 32/8 32/11 32/13 32/15 32/20 33/10 33/11 35/12 35/16 36/21 36/24 37/1 37/2 37/5 42/25 51/4 66/5 66/9 71/21 71/25</p> <p>period of [1] 32/8</p> <p>permission [1] 16/20</p> <p>permit [1] 98/3</p> <p>permits [3] 97/17 97/19</p>
--	--	---

<p>P</p> <p>permits... [1] 97/23</p> <p>permitted [11] 8/21 11/23 19/20 27/23 73/21 98/9 120/14 120/16 120/18 121/16 121/21</p> <p>person [14] 22/9 40/10 40/14 40/16 40/20 47/13 96/23 100/9 112/25 113/19 123/16 123/20 124/4 124/4</p> <p>person's [1] 40/18</p> <p>personal [89] 4/21 17/2 17/14 17/16 17/22 18/8 19/12 19/20 22/15 22/18 22/21 23/11 24/9 24/15 24/21 25/3 25/5 27/4 33/17 41/21 41/23 42/1 42/2 43/12 43/25 45/19 45/23 46/2 46/7 46/9 49/4 49/13 57/9 58/25 59/3 59/3 59/17 62/3 62/10 65/24 67/17 70/8 70/12 73/7 73/22 75/9 76/1 91/2 91/13 92/13 93/4 98/19 100/5 100/7 101/8 101/12 101/23 105/2 105/12 106/11 106/17 106/19 110/12 110/13 110/23 110/25 111/16 112/4 112/15 114/21 114/24 115/1 115/7 115/11 115/14 115/25 116/23 118/20 119/10 119/16 120/4 121/10 121/16 121/16 121/18 121/19 122/25 123/1 123/19</p> <p>personal availment [1] 43/12</p> <p>personal injury [1] 17/16</p> <p>personally [2] 76/19 76/22</p> <p>persons [1] 100/9</p> <p>perspective [2] 39/7 97/21</p> <p>peruse [1] 50/2</p> <p>petty [1] 121/14</p> <p>Pharma [2] 3/21 3/24</p> <p>pharmaceutical [3] 10/22 57/24 72/4</p> <p>Philadelphia [1] 1/24</p> <p>phon [1] 97/20</p> <p>phone [1] 11/21</p> <p>photocopies [1] 39/3</p> <p>phraseology [1] 118/8</p> <p>physical [1] 82/8</p> <p>physically [2] 48/1 48/2</p> <p>PI [2] 12/3 103/7</p> <p>pick [1] 85/9</p> <p>picture [1] 7/6</p> <p>piece [2] 56/19 67/24</p> <p>pieces [1] 76/11</p> <p>Pierce [1] 2/10</p> <p>Pierce/West [1] 2/10</p> <p>pierced [1] 61/4</p> <p>Pine [1] 2/5</p> <p>PJ [1] 111/3</p> <p>place [11] 17/7 31/21 31/21 32/20 34/17 35/4 35/7 67/20 67/22 72/14 115/15</p> <p>places [3] 38/5 39/4 47/10</p> <p>Plaintiff [37] 5/15 17/4 19/19 25/3 97/23 99/2 99/2 100/1 104/6 106/7 108/21 108/22 108/24 109/6 111/10</p>	<p>111/16 111/17 111/25 112/5 112/11 112/23 112/24 113/9 113/11 113/18 114/10 114/13 114/14 114/22 116/9 119/12 119/23 122/10 123/8 123/9 123/9 123/12</p> <p>Plaintiff's [2] 18/24 19/9</p> <p>PLAINTIFFS [71] 1/12 3/5 3/7 3/12 3/14 4/23 5/20 7/15 8/17 15/24 16/2 17/1 17/17 17/20 17/22 18/12 18/15 19/14 19/22 25/14 25/18 32/10 32/25 33/16 36/15 37/4 37/14 37/18 37/24 39/23 50/24 52/6 52/10 61/10 63/3 73/2 73/21 87/8 90/2 90/7 98/18 98/19 98/20 99/6 101/15 102/5 102/23 103/14 104/19 105/9 108/6 108/8 109/14 111/13 113/16 114/9 114/17 114/19 116/3 116/12 116/19 118/3 118/17 119/5 119/14 119/16 119/20 121/6 121/23 122/2 122/24</p> <p>Plaintiffs' [11] 17/12 18/6 40/4 51/21 60/11 73/4 87/10 96/11 119/22 120/25 121/4</p> <p>plant [2] 87/14 87/15</p> <p>players [1] 100/21</p> <p>plead [2] 48/22 62/5</p> <p>pleading [1] 100/8</p> <p>pleadings [5] 4/18 5/19 6/17 25/5 49/5</p> <p>pleasant [2] 125/3 125/22</p> <p>please [3] 7/21 31/4 77/13</p> <p>pled [18] 13/19 13/24 13/25 14/2 14/4 14/19 20/1 22/11 22/12 25/18 48/13 49/19 59/11 61/17 62/2 117/3 117/5 117/16</p> <p>PLLC [1] 1/12</p> <p>plug [1] 84/25</p> <p>plurality [2] 43/10 44/14</p> <p>plus [3] 71/21 100/13 104/18</p> <p>point [38] 10/4 12/25 20/9 38/12 38/13 44/14 44/25 53/14 53/24 54/10 56/17 68/21 69/7 69/13 69/24 70/4 74/22 79/24 82/7 88/16 88/22 88/23 89/15 90/1 92/21 92/25 95/4 95/4 96/4 103/5 105/24 108/1 108/2 111/6 111/15 115/2 119/25 121/13</p> <p>pointed [3] 25/9 70/10 91/7</p> <p>pointing [1] 80/3</p> <p>points [4] 36/10 92/21 95/9 120/12</p> <p>polling [1] 105/15</p> <p>Ponce [1] 1/17</p> <p>popped [1] 77/18</p> <p>portion [1] 98/14</p> <p>pose [1] 122/6</p> <p>position [14] 7/15 7/16 8/21 9/2 9/7 24/24 55/11 61/22 62/7 95/23 104/4 107/25 109/21 115/6</p> <p>positions [3] 8/9 30/22 77/16</p>	<p>possession [9] 51/21 54/22 54/25 55/3 55/20 56/1 56/4 56/6 57/2</p> <p>possible [1] 44/22</p> <p>possibly [2] 35/2 35/5</p> <p>potentially [5] 40/7 40/20 57/20 105/14 111/19</p> <p>powerful [1] 62/22</p> <p>PPP [7] 100/18 100/21 100/25 109/7 109/13 109/18 122/16</p> <p>PPPs [1] 109/16</p> <p>practices [1] 78/6</p> <p>precedent [1] 123/15</p> <p>precise [1] 81/16</p> <p>precisely [4] 50/6 59/17 59/23 75/25</p> <p>precludes [1] 5/6</p> <p>predated [1] 33/17</p> <p>predicate [1] 68/20</p> <p>preface [1] 27/20</p> <p>prefer [1] 9/16</p> <p>prejudiced [1] 107/21</p> <p>preliminary [1] 10/16</p> <p>prepared [4] 8/17 9/19 9/20 23/21</p> <p>present [1] 36/24</p> <p>presented [1] 7/3</p> <p>presumably [3] 55/20 55/23 111/12</p> <p>presume [2] 68/8 68/9</p> <p>pretty [5] 71/19 73/8 73/11 81/16 119/4</p> <p>prevail [1] 123/6</p> <p>previously [1] 21/10</p> <p>prima [12] 17/1 17/13 17/23 25/18 37/14 46/6 46/9 46/13 46/15 49/24 59/20 62/3</p> <p>primarily [1] 22/23</p> <p>primary [1] 23/12</p> <p>principal [7] 17/7 31/21 32/20 34/17 35/7 104/3 107/18</p> <p>principle [3] 19/16 19/17 35/14</p> <p>principles [1] 22/18</p> <p>prior [1] 4/24</p> <p>privilege [1] 88/14</p> <p>probably [9] 11/16 14/25 31/12 65/13 65/14 65/16 70/5 125/1 125/7</p> <p>probing [3] 14/16 59/10 68/21</p> <p>problem [3] 78/9 105/17 122/18</p> <p>procedural [1] 110/3</p> <p>procedurally [1] 105/4</p> <p>Procedure [2] 56/1 68/8</p> <p>proceed [4] 116/17 116/19 124/1 124/5</p> <p>proceedings [1] 126/2</p> <p>process [3] 76/6 76/7 79/20</p> <p>produce [11] 28/10 29/16 30/16 30/17 51/7 55/4 55/22 64/5 65/16 71/18 120/19</p> <p>produced [5] 51/14 63/12 64/5 83/17 83/24</p> <p>producing [1] 51/2</p> <p>product [108] 3/2 13/4 13/5</p>
--	--	---

<p>P</p> <p>product... [105] 13/13 13/14 13/17 15/16 15/18 16/15 18/23 19/5 19/5 19/11 20/13 21/6 21/7 21/20 34/9 36/25 40/7 40/17 40/21 41/17 42/19 43/14 44/19 45/2 46/3 46/20 46/20 46/21 46/25 47/7 47/8 47/9 47/22 47/24 48/4 51/1 51/19 52/20 52/24 54/7 57/13 57/15 57/21 62/13 63/2 69/21 70/21 71/17 73/23 73/25 78/13 85/25 86/2 86/6 87/4 87/19 88/14 90/15 90/25 92/7 92/10 92/24 94/1 94/12 94/15 94/17 98/15 98/21 98/22 99/6 99/8 99/10 99/11 99/15 106/8 109/9 109/17 109/19 109/19 112/1 112/5 112/12 113/12 114/11 114/14 114/20 115/9 115/13 115/19 115/20 115/24 116/9 116/16 116/22 117/2 118/22 119/7 119/7 119/23 121/6 122/11 122/11 123/11 123/13 123/20</p> <p>production [9] 10/2 30/9 31/9 55/22 64/20 70/3 74/14 104/15 121/25</p> <p>productive [1] 125/4</p> <p>products [21] 1/5 12/16 12/21 13/7 29/3 34/4 40/16 51/4 51/11 57/25 59/5 72/4 80/16 81/16 83/12 85/19 90/9 94/24 120/3 123/10 123/21</p> <p>prohibited [2] 98/2 98/8</p> <p>prohibits [1] 103/23</p> <p>promise [2] 27/15 110/4</p> <p>prompt [1] 29/15</p> <p>promptly [1] 101/20</p> <p>proper [2] 15/25 113/11</p> <p>proportional [5] 7/19 7/20 65/7 77/12 97/15</p> <p>proportionality [1] 89/10</p> <p>proposal [1] 50/20</p> <p>propose [2] 7/7 110/2</p> <p>proposed [1] 121/1</p> <p>proposition [2] 27/2 98/5</p> <p>prove [1] 30/16</p> <p>provide [2] 60/18 105/15</p> <p>provided [1] 51/15</p> <p>provides [1] 12/23</p> <p>providing [1] 79/1</p> <p>provision [1] 70/14</p> <p>PSC [1] 67/23</p> <p>PTO [1] 6/24</p> <p>public [1] 58/10</p> <p>pun [1] 36/2</p> <p>purchase [4] 72/9 82/13 119/22 120/3</p> <p>purchased [7] 106/8 112/1 112/5 112/12 123/10 123/12 124/4</p> <p>purchaser [1] 82/14</p> <p>purpose [8] 41/19 48/19 57/12 58/19 58/20 58/21 75/7 84/6</p> <p>purposeful [19] 34/8 34/13</p>	<p>41/14 41/15 43/21 43/21 57/14 59/14 59/25 60/2 60/7 62/18 62/23 63/22 70/18 72/7 73/2 84/15 88/15</p> <p>purposely [5] 46/24 47/13 48/7 63/4 85/25</p> <p>purposes [17] 12/16 22/2 27/22 41/16 61/15 61/19 62/18 62/23 69/19 69/19 70/18 73/7 87/19 90/5 93/4 114/15 114/24</p> <p>pursuant [2] 44/20 48/4</p> <p>pursue [4] 17/18 17/24 61/10 116/19</p> <p>pursuing [1] 10/17</p> <p>push [2] 68/2 68/7</p> <p>put [16] 20/11 27/10 31/3 36/3 44/9 48/17 49/9 50/1 55/9 58/15 77/2 85/8 86/16 86/17 93/19 97/12</p> <p>putative [1] 109/14</p> <p>putting [5] 56/2 85/21 85/22 86/7 96/9</p> <hr/> <p>Q</p> <p>quality [3] 40/14 40/15 41/19</p> <p>quantity [3] 50/8 50/9 54/15</p> <p>quantum [1] 57/18</p> <p>question [79] 5/12 7/13 8/20 9/13 9/17 9/22 10/16 10/16 12/8 15/6 16/5 23/8 25/4 25/12 27/7 27/8 30/3 30/15 30/17 30/18 31/13 31/25 32/19 33/12 39/13 40/9 41/11 41/22 42/1 42/7 43/20 44/2 47/3 47/18 48/21 48/21 51/12 51/24 55/15 56/13 63/2 63/9 67/4 68/2 77/17 77/18 80/23 85/17 95/3 95/3 95/8 95/15 97/17 100/3 101/3 110/7 110/8 110/8 110/9 111/7 111/22 112/7 112/17 112/22 113/6 113/24 114/5 114/6 114/8 115/2 115/3 115/4 116/14 116/17 117/1 120/13 120/15 122/6 122/13</p> <p>questions [9] 7/6 15/5 31/13 77/9 77/15 78/15 97/10 97/12 98/25</p> <p>quibble [2] 91/23 115/22</p> <p>quickly [4] 4/17 8/6 27/16 97/1</p> <p>quite [2] 47/4 94/24</p> <p>quote [1] 103/12</p> <hr/> <p>R</p> <p>raise [9] 25/3 102/3 102/3 107/19 107/20 111/15 112/3 112/14 117/13</p> <p>raised [2] 27/12 117/9</p> <p>range [1] 64/2</p> <p>RANITIDINE [49] 1/4 3/2 18/20 18/22 19/4 28/7 29/2 29/14 33/15 37/12 37/20 37/22 39/25 40/7 40/17 40/21 41/17 41/20 42/8 42/8 42/22 43/8 50/25 51/4 51/10 51/18</p>	<p>54/12 58/22 63/1 66/7 71/16 72/5 72/7 73/15 73/23 73/25 80/1 80/16 81/16 83/12 84/3 90/9 93/6 94/12 104/22 105/8 105/22 113/20 119/22</p> <p>rather [1] 101/15</p> <p>rationality [1] 33/21</p> <p>RE [3] 1/4 3/2 76/5</p> <p>reach [9] 11/13 28/15 36/15 45/21 67/9 112/10 114/3 125/5 125/6</p> <p>reach that [1] 45/21</p> <p>reached [3] 63/3 87/22 88/5</p> <p>reaching [2] 63/4 88/13</p> <p>reaction [1] 9/5</p> <p>read [8] 22/14 44/11 44/13 49/22 53/1 71/2 71/3 113/14</p> <p>readily [1] 65/2</p> <p>reading [4] 11/25 49/5 51/25 79/10</p> <p>ready [1] 9/19</p> <p>real [1] 50/12</p> <p>realize [1] 44/15</p> <p>really [16] 10/3 30/2 43/17 47/2 47/6 50/5 50/14 66/6 83/14 94/13 110/8 117/6 119/4 120/6 120/21 125/13</p> <p>realm [1] 18/3</p> <p>reason [10] 11/11 12/1 12/15 17/17 54/4 86/11 86/18 90/21 106/22 107/2</p> <p>reasonable [2] 69/16 88/1</p> <p>reasons [2] 8/1 32/2</p> <p>rebrand [1] 85/3</p> <p>recall [3] 6/7 21/17 23/17</p> <p>recap [1] 4/17</p> <p>received [1] 13/11</p> <p>recent [1] 123/24</p> <p>recess [2] 81/23 125/22</p> <p>reciprocal [14] 5/6 5/8 5/11 5/12 6/12 7/11 7/15 7/17 11/9 95/14 97/2 97/14 98/6 117/14</p> <p>reciprocity [1] 121/20</p> <p>recognize [5] 3/4 3/17 3/21 4/1 119/10</p> <p>recognized [4] 17/10 44/23 59/24 118/9</p> <p>recognizes [1] 98/1</p> <p>recollection [1] 15/8</p> <p>record [6] 58/10 66/21 66/23 81/24 83/13 126/2</p> <p>records [5] 39/2 55/21 65/25 70/3 70/22</p> <p>recreate [1] 32/12</p> <p>refer [1] 4/20</p> <p>reference [7] 4/18 6/16 6/21 13/10 15/6 15/17 64/6</p> <p>referenced [3] 5/16 6/4 79/17</p> <p>referral [1] 7/25</p> <p>referred [7] 5/10 5/11 5/20 10/12 11/1 17/12 18/6</p> <p>referring [2] 8/7 69/2</p> <p>refuse [1] 53/12</p> <p>regard [8] 18/18 18/19 18/22 19/1 105/18 106/3 108/13 109/18</p>
---	---	--

<p>R</p> <p>regarding [1] 57/11</p> <p>regardless [1] 114/22</p> <p>regards [2] 19/9 39/21</p> <p>register [4] 12/19 13/3 20/11 58/1</p> <p>registered [15] 12/19 13/3 14/1 18/18 21/17 21/18 26/20 85/2 86/25 87/3 87/6 90/11 90/13 90/22 100/13</p> <p>registering [6] 15/7 60/14 90/3 90/4 92/22 92/22</p> <p>registers [2] 27/3 84/22</p> <p>registration [8] 13/24 14/23 21/13 60/2 84/3 84/10 89/4 89/15</p> <p>registry [1] 100/13</p> <p>regret [1] 76/23</p> <p>regulates [1] 63/5</p> <p>regulatory [4] 60/13 74/6 87/9 87/10</p> <p>reimbursed [3] 100/25 104/22 109/18</p> <p>REINHART [1] 1/9</p> <p>relabeler [1] 93/20</p> <p>relabeling [1] 93/19</p> <p>relate [2] 4/16 30/3</p> <p>related [46] 7/13 27/6 27/22 28/9 33/11 34/4 34/7 34/14 34/15 34/17 34/20 34/23 34/25 35/10 37/18 38/3 39/15 39/24 40/6 40/20 40/24 41/25 42/7 42/8 42/17 42/24 48/17 51/8 51/16 52/23 54/21 60/16 66/8 66/19 70/20 71/15 73/22 73/24 74/1 74/9 74/15 74/16 79/15 80/1 80/18 94/10</p> <p>relates [3] 31/20 58/9 121/1</p> <p>relating [4] 12/24 21/14 40/7 54/20</p> <p>relationship [17] 14/4 14/5 31/22 35/8 35/21 36/7 39/10 58/25 61/5 66/14 66/18 67/15 74/20 75/1 76/2 79/2 79/7</p> <p>relationships [1] 79/2</p> <p>relative [2] 43/16 72/6</p> <p>relatively [1] 65/2</p> <p>relevance [8] 76/13 77/24 78/22 78/22 78/24 80/2 80/4 120/25</p> <p>relevance of [1] 120/25</p> <p>relevant [52] 7/19 7/20 12/25 33/8 33/19 34/14 34/18 41/11 42/9 42/23 42/25 43/4 43/5 43/7 43/11 43/15 45/11 45/22 51/12 53/13 54/23 64/25 65/24 66/4 70/7 70/8 70/16 70/22 71/17 72/4 72/23 73/7 74/19 76/13 77/12 78/5 79/6 79/23 80/25 82/19 84/15 84/22 87/9 88/3 88/8 88/25 90/24 96/13 96/15 101/2 106/9 106/10</p> <p>reliance [1] 90/10</p> <p>relied [3] 12/13 18/5 106/23</p> <p>relief [1] 100/24</p> <p>rely [3] 47/21 66/15 104/2</p>	<p>relying [2] 22/23 70/11</p> <p>remaining [1] 124/2</p> <p>remains [1] 120/15</p> <p>remand [1] 15/25</p> <p>remanded [1] 100/16</p> <p>remarks [1] 98/13</p> <p>remember [1] 82/7</p> <p>remind [2] 54/10 103/10</p> <p>remote [1] 74/23</p> <p>removed [1] 19/2</p> <p>rep [2] 114/20 116/22</p> <p>repackager [1] 93/21</p> <p>repeatedly [3] 19/18 44/11 120/22</p> <p>reply [1] 111/3</p> <p>report [1] 51/15</p> <p>Reporter [3] 2/9 126/5 126/6</p> <p>representation [1] 73/15</p> <p>representations [1] 84/14</p> <p>representative [3] 4/11 112/25 123/18</p> <p>representatives [5] 4/12 99/2 99/2 109/14 120/5</p> <p>request [34] 5/1 7/5 7/11 7/12 8/3 8/19 22/4 22/9 27/10 31/9 43/23 44/6 44/8 54/19 64/20 70/2 80/4 80/11 81/11 89/2 89/4 95/21 97/4 98/6 99/5 102/24 103/23 104/15 105/3 107/11 113/2 113/14 116/19 117/21</p> <p>requested [1] 8/3</p> <p>requesting [6] 4/23 5/5 5/7 7/10 116/3 116/4</p> <p>requests [14] 8/10 9/24 10/1 25/14 30/9 37/3 55/12 74/14 74/22 77/11 78/5 99/8 99/9 121/25</p> <p>require [1] 28/10</p> <p>required [2] 104/6 122/9</p> <p>requirement [3] 17/3 44/6 45/15</p> <p>research [1] 11/15</p> <p>reserved [1] 5/2</p> <p>residence [2] 104/18 104/20</p> <p>resident [3] 104/7 104/9 104/12</p> <p>resolved [1] 123/1</p> <p>respect [4] 18/12 23/14 87/1 123/4</p> <p>respectfully [3] 64/8 106/4 107/6</p> <p>respond [11] 8/6 23/9 23/10 30/7 30/15 78/1 96/3 99/23 101/22 120/8 122/2</p> <p>responded [3] 4/23 102/2 113/16</p> <p>responding [3] 7/23 63/5 76/25</p> <p>response [12] 4/21 9/14 29/6 71/10 86/22 92/17 95/5 99/4 101/19 103/2 103/8 114/17</p> <p>responses [5] 4/24 71/7 99/4 99/5 105/15</p> <p>responsibilities [2] 39/14 39/23</p> <p>responsibility [8] 19/11 40/6 40/6 40/16 40/18 56/21</p>	<p>58/16 81/15</p> <p>responsible [4] 58/6 58/8 93/2 93/2</p> <p>responsive [1] 64/10</p> <p>rest [2] 16/17 24/7</p> <p>result [3] 30/15 100/23 104/23</p> <p>retailer [2] 86/20 86/21</p> <p>retailers [1] 109/22</p> <p>revenge [2] 103/18 118/6</p> <p>revenue [6] 42/17 42/17 42/21 43/3 43/16 43/24</p> <p>revenues [5] 42/14 42/25 43/12 43/14 82/25</p> <p>review [2] 5/25 6/18</p> <p>reviewed [6] 4/18 5/14 5/17 6/5 6/25 61/6</p> <p>reviewing [1] 97/17</p> <p>RFP [2] 63/16 64/10</p> <p>RICO [2] 109/3 109/10</p> <p>right [32] 11/5 22/9 28/22 33/9 33/24 35/13 39/22 40/14 40/15 40/16 57/1 59/10 61/2 64/8 64/13 65/9 66/6 71/12 73/12 76/5 80/3 83/21 85/8 91/17 96/6 101/2 106/2 108/12 109/11 113/15 115/11 120/7</p> <p>Rightly [1] 119/21</p> <p>ripe [1] 9/18</p> <p>rise [2] 67/14 121/7</p> <p>Rite [1] 85/16</p> <p>Rite-Aid [1] 85/16</p> <p>Ritz [1] 123/24</p> <p>Ritz-Carlton [1] 123/24</p> <p>road [3] 30/2 111/14 125/11</p> <p>ROBERT [4] 1/15 3/7 5/18 7/22</p> <p>ROBIN [1] 2/9</p> <p>Rome [1] 1/23</p> <p>ROSENBERG [42] 1/3 2/9 4/25 5/10 7/25 8/4 8/5 10/25 14/17 14/20 17/9 17/17 18/5 27/1 59/18 68/17 69/2 75/19 91/11 102/8 102/9 102/19 106/2 106/5 108/3 108/4 109/6 109/24 110/11 110/17 110/22 111/5 111/8 111/19 111/24 112/10 112/23 113/17 113/22 114/9 123/7 124/24</p> <p>Rosenberg referred [1] 5/10</p> <p>Rosenberg's [2] 5/5 103/2</p> <p>round [2] 110/18 110/19</p> <p>row [1] 79/8</p> <p>rule [16] 15/3 15/4 20/21 22/4 27/14 31/18 48/22 64/6 68/4 68/4 80/5 96/1 104/24 104/25 110/11 117/3</p> <p>ruled [5] 88/17 88/19 88/20 103/8 113/17</p> <p>rules [8] 55/25 56/1 56/16 68/7 108/5 111/19 114/2 114/2</p> <p>ruling [6] 24/24 95/2 95/3 103/2 103/19 108/4</p> <p>rulings [1] 95/20</p> <p>run [1] 77/23</p>
---	--	---

<p>S</p> <p>said [34] 17/12 21/18 33/25 35/19 36/12 46/19 47/6 50/21 60/8 65/18 76/12 78/10 96/18 96/20 97/21 98/15 101/15 102/1 102/6 102/9 102/15 102/24 103/11 103/11 103/13 103/13 104/9 104/10 107/14 120/17 120/22 122/9 122/23 122/23</p> <p>sake [3] 39/1 72/18 111/8</p> <p>sale [4] 42/22 43/14 82/13 100/22</p> <p>sales [9] 28/6 39/24 40/12 40/23 71/16 73/25 74/5 80/16 87/11</p> <p>same [29] 12/7 23/14 26/18 37/21 37/25 60/1 60/23 61/14 61/15 61/15 61/24 69/18 72/2 75/14 75/16 77/23 78/21 82/1 82/3 82/6 88/4 97/25 109/21 110/14 116/24 118/5 119/8 119/9 120/6</p> <p>sat [2] 76/21 76/22</p> <p>satisfy [1] 26/13</p> <p>sauce [4] 97/22 97/22 107/4 107/4</p> <p>saw [4] 14/2 25/2 30/24 97/9</p> <p>say [40] 29/18 33/15 39/15 46/20 46/21 53/19 59/2 62/24 63/9 63/11 64/1 64/19 64/21 65/12 70/8 73/17 76/24 79/21 83/3 84/24 85/9 86/24 87/21 89/24 90/14 91/24 91/25 92/4 92/4 96/6 98/14 102/12 102/21 112/21 116/15 121/9 121/15 121/22 122/1 122/10</p> <p>saying [17] 7/10 20/12 46/25 47/8 52/18 52/19 76/19 96/10 96/10 96/11 98/11 111/24 115/12 120/14 120/20 121/22 122/21</p> <p>says [7] 45/19 85/10 93/7 114/1 114/18 120/16 123/15</p> <p>scale [1] 59/19</p> <p>scant [2] 8/24 87/25</p> <p>scope [10] 10/6 31/12 31/14 32/9 39/22 95/21 95/22 102/20 125/15 125/16</p> <p>second [18] 2/2 6/16 12/25 18/9 25/21 31/4 44/10 58/5 61/12 63/14 73/3 73/20 74/3 74/9 97/11 115/17 120/9 120/21</p> <p>secondly [1] 97/14</p> <p>Secretary [1] 65/15</p> <p>see [25] 5/5 14/2 19/11 37/3 43/13 50/3 50/4 50/5 50/8 58/2 58/18 63/9 63/11 66/2 67/13 79/17 79/17 81/10 84/21 85/1 85/11 85/12 85/13 85/15 93/23</p> <p>seek [4] 5/8 62/6 72/18 121/24</p> <p>seeking [9] 45/4 48/5 50/6 59/8 62/9 84/2 90/5 101/21 103/13</p>	<p>seem [1] 38/6</p> <p>seemed [1] 35/19</p> <p>seems [7] 11/10 38/16 41/6 71/10 72/22 90/2 107/9</p> <p>seen [2] 81/4 85/5</p> <p>select [1] 100/19</p> <p>self [2] 92/9 98/16</p> <p>self-correcting [2] 92/9 98/16</p> <p>sell [7] 13/14 47/11 47/12 57/13 57/21 90/22 90/25</p> <p>seller [1] 82/14</p> <p>selling [9] 29/2 33/15 44/16 44/19 50/10 69/20 82/22 85/18 93/2</p> <p>sells [1] 46/24</p> <p>send [2] 47/10 102/24</p> <p>sending [4] 46/25 47/13 86/8 94/4</p> <p>sense [13] 11/16 22/10 35/20 45/25 48/12 49/5 56/18 66/17 72/12 75/9 78/18 107/19 121/2</p> <p>sensitive [2] 75/4 77/1</p> <p>sent [4] 16/15 63/15 63/17 88/7</p> <p>separate [6] 34/6 34/11 63/18 63/22 70/17 84/9</p> <p>separately [1] 30/19</p> <p>serious [1] 93/9</p> <p>serve [1] 8/11</p> <p>served [5] 29/25 32/5 32/6 33/24 66/6</p> <p>service [1] 33/6</p> <p>services [1] 79/1</p> <p>set [6] 9/8 20/24 32/10 58/19 63/14 75/13</p> <p>setting [2] 68/1 110/4</p> <p>seven [1] 121/24</p> <p>several [7] 44/3 47/23 51/15 53/15 62/1 98/5 111/5</p> <p>she [23] 11/1 12/5 14/8 14/9 17/11 17/11 17/12 46/15 46/16 49/24 59/18 75/21 103/11 103/12 104/6 110/12 111/11 113/23 113/23 113/23 113/25 114/2 114/2</p> <p>shell [1] 61/2</p> <p>ship [9] 15/16 15/18 21/6 52/1 52/2 85/21 85/23 87/24 94/17</p> <p>shipped [6] 50/9 51/22 54/7 86/6 88/21 96/19</p> <p>shipping [14] 34/8 47/24 47/25 48/1 48/1 48/2 50/11 72/4 82/15 82/16 82/18 85/18 94/1 94/24</p> <p>ships [1] 96/12</p> <p>shocking [1] 75/5</p> <p>shop [1] 44/17</p> <p>short [8] 15/23 81/23 100/11 105/7 105/10 105/13 105/19 105/20</p> <p>shortcuts [1] 94/5</p> <p>shotgun [1] 25/7</p> <p>should [26] 5/12 5/17 6/1 6/5 6/18 8/16 8/21 11/23 22/22 29/15 35/25 41/17 55/3</p>	<p>64/15 73/15 97/8 97/8 101/7 101/17 102/11 108/4 110/1 122/1 124/18 124/22 125/17</p> <p>shouldn't [2] 99/25 113/25</p> <p>show [21] 14/13 26/13 47/12 50/15 65/17 65/23 66/1 66/15 66/25 66/25 67/1 67/4 70/22 74/19 74/21 76/20 77/3 78/7 78/7 82/21 123/11</p> <p>showing [1] 70/6</p> <p>shows [1] 107/24</p> <p>shuts [1] 18/24</p> <p>Siboba [1] 106/24</p> <p>side [5] 27/12 36/6 103/20 112/22 113/24</p> <p>side's [1] 97/10</p> <p>sides [2] 21/23 124/14</p> <p>Signature [1] 126/6</p> <p>signed [1] 81/6</p> <p>similar [4] 12/9 20/24 83/9 123/13</p> <p>similarly [2] 109/16 109/21</p> <p>simply [14] 28/16 35/11 59/13 62/19 62/25 63/9 63/10 64/24 75/8 83/24 98/6 112/9 113/8 118/21</p> <p>since [3] 72/15 86/10 92/19</p> <p>single [9] 96/15 106/8 109/9 112/10 112/12 112/12 114/19 116/22 123/16</p> <p>sir [2] 25/25 124/9</p> <p>sister [3] 35/23 61/5 79/1</p> <p>sister/brother [1] 79/1</p> <p>sisters [2] 61/9 78/8</p> <p>sit [3] 27/14 67/24 69/15</p> <p>site [1] 83/25</p> <p>sits [2] 32/4 51/20</p> <p>sitting [1] 76/9</p> <p>situated [2] 109/16 109/21</p> <p>situation [4] 54/11 76/3 104/16 119/11</p> <p>six [2] 88/17 102/15</p> <p>size [1] 69/23</p> <p>skip [1] 81/21</p> <p>skipped [1] 80/12</p> <p>slightly [7] 35/19 44/9 51/25 56/1 56/8 79/25 119/8</p> <p>slipped [1] 76/18</p> <p>snapshot [3] 33/6 33/23 35/17</p> <p>so [135]</p> <p>soil [1] 18/20</p> <p>sold [13] 20/14 21/21 29/14 42/20 51/3 51/5 55/7 86/6 100/22 109/17 114/15 119/24 123/14</p> <p>sole [1] 18/20</p> <p>solely [2] 25/3 70/4</p> <p>solutions [1] 104/13</p> <p>solve [1] 105/17</p> <p>some [38] 8/24 11/14 21/24 26/24 28/17 30/11 30/12 31/13 36/13 36/14 38/12 38/13 38/14 49/18 49/25 50/4 51/17 61/8 61/16 61/16 63/8 63/11 65/19 66/10 74/22 75/11 76/25 80/1 84/13 85/8 85/22 89/20 99/25 108/2</p>
---	---	---

<p>S</p> <p>some... [4] 108/11 115/9 124/18 125/1</p> <p>somebody [3] 47/11 96/19 118/22</p> <p>Somebody's [1] 96/19</p> <p>somehow [1] 34/1</p> <p>someone [3] 41/24 115/19 117/2</p> <p>something [24] 11/12 11/21 12/9 13/21 20/11 35/24 40/23 52/3 52/25 52/25 57/17 64/18 67/15 68/1 68/4 68/22 69/8 72/21 77/5 83/24 86/24 89/24 103/10 125/9</p> <p>sometime [1] 110/14</p> <p>sometimes [6] 48/1 75/5 75/6 77/16 79/12 110/6</p> <p>somewhat [1] 76/24</p> <p>somewhere [4] 65/15 85/11 113/20 115/10</p> <p>son [1] 31/6</p> <p>sophisticated [1] 78/8</p> <p>sorry [7] 21/9 21/12 30/24 31/6 80/10 80/12 98/10</p> <p>sort [21] 22/10 22/14 36/2 36/6 39/8 50/12 60/16 63/15 66/16 70/16 72/8 76/24 79/8 79/21 81/2 85/2 85/5 92/5 92/8 103/18 125/14</p> <p>sorts [1] 93/3</p> <p>sought [1] 90/8</p> <p>sounds [1] 9/5</p> <p>SOUTHERN [1] 1/1</p> <p>speak [3] 4/9 41/7 119/14</p> <p>speaking [7] 4/10 4/12 33/23 34/20 88/11 89/16 93/23</p> <p>specific [92] 7/5 8/3 8/9 17/5 18/2 18/16 22/3 22/8 23/12 24/13 24/21 25/3 25/10 25/13 26/16 27/5 27/10 33/5 33/10 33/11 33/13 33/20 34/2 35/15 37/1 37/10 37/13 37/20 37/22 39/16 40/3 40/8 41/12 41/13 42/17 42/20 42/23 43/1 44/12 45/8 45/9 45/12 45/23 45/24 46/7 46/13 46/17 51/1 51/12 52/18 53/8 53/18 53/21 54/9 54/14 56/23 58/14 59/8 59/11 59/12 59/23 62/13 62/19 62/23 64/25 65/6 70/16 70/25 73/3 73/7 74/1 74/7 74/16 75/18 75/23 78/11 79/11 87/2 87/4 89/7 91/9 94/14 94/22 109/12 115/7 116/1 118/10 120/24 121/1 121/2 121/5 121/11</p> <p>specifically [16] 8/19 13/12 14/18 21/2 22/17 32/8 33/4 42/7 58/22 60/8 62/17 87/2 89/3 97/21 103/22 104/5</p> <p>specificity [3] 17/15 68/17 68/19</p> <p>specified [2] 41/14 44/6</p> <p>spelled [1] 106/24</p> <p>spoke [2] 81/1 103/25</p> <p>spoken [1] 57/10</p>	<p>spread [1] 16/17</p> <p>Square [1] 1/23</p> <p>staff [1] 40/10</p> <p>staffing [1] 76/10</p> <p>stage [2] 19/13 20/2</p> <p>stand [2] 83/25 123/16</p> <p>standard [4] 17/1 78/23 107/22 117/6</p> <p>standards [1] 62/14</p> <p>standards of [1] 62/14</p> <p>standing [18] 14/18 46/8 106/3 106/10 108/3 108/5 109/5 109/15 109/23 110/13 110/20 110/23 111/7 111/10 114/9 115/2 123/6 123/15</p> <p>standpoint [1] 119/19</p> <p>stands [1] 98/4</p> <p>starkly [1] 54/10</p> <p>start [10] 7/8 11/19 12/23 20/8 24/18 27/13 27/18 101/7 101/7 110/21</p> <p>start with [1] 7/8</p> <p>started [4] 54/5 70/9 93/7 93/8</p> <p>state [57] 17/14 18/11 18/17 18/19 26/8 26/10 37/20 37/22 39/25 41/20 42/20 44/6 44/7 44/13 44/13 45/8 45/12 45/15 46/17 51/1 52/18 52/21 52/21 53/18 53/20 53/20 54/8 57/17 59/14 65/15 71/14 73/23 78/14 78/14 82/17 83/1 90/10 90/15 91/9 94/22 100/1 104/18 104/20 108/15 108/16 108/17 109/3 109/12 109/16 111/17 111/25 112/12 112/24 113/1 113/9 114/10 114/22</p> <p>state-by-state [2] 52/21 53/20</p> <p>stated [2] 62/12 90/8</p> <p>statement [8] 6/11 16/3 35/18 37/14 46/3 68/23 96/22 115/23</p> <p>statements [5] 14/3 23/18 23/25 84/11 84/14</p> <p>states [116] 1/1 1/10 12/17 12/20 12/22 13/4 13/7 13/14 14/14 15/11 15/13 15/21 16/1 16/4 16/16 16/18 20/12 20/14 21/7 21/21 23/25 24/2 24/11 26/5 29/14 34/4 37/5 38/9 38/21 39/14 39/24 41/15 41/16 41/16 42/23 43/6 43/9 43/15 43/21 43/24 44/24 44/25 45/3 45/5 45/6 45/11 45/18 45/20 45/20 45/22 45/24 46/2 46/4 46/15 46/16 46/22 47/7 47/9 47/10 47/13 47/22 47/25 48/4 48/8 50/10 50/23 51/5 51/11 51/23 52/9 52/13 53/8 53/22 57/13 57/14 57/25 58/6 58/21 58/23 60/9 60/21 62/14 62/15 62/16 62/17 63/3 70/25 71/15 82/20 86/1 86/7 87/18 87/20 87/23 87/25 88/8 88/14 88/22 90/10 90/16 90/20 90/23 90/25 92/15 93/11 94/15 94/24</p>	<p>99/24 99/24 109/4 109/8 113/8 113/20 115/10 118/22 123/14</p> <p>status [1] 58/14</p> <p>statute [2] 22/16 104/5</p> <p>stayed [1] 110/25</p> <p>step [6] 56/17 80/10 86/24 93/1 101/19 114/20</p> <p>still [9] 10/17 28/2 28/13 37/19 38/5 45/11 45/22 54/8 99/20</p> <p>Stipes [3] 2/9 106/13 126/5</p> <p>stipulate [1] 57/16</p> <p>stopped [1] 37/6</p> <p>straight [1] 111/23</p> <p>straightforward [1] 119/5</p> <p>strategic [1] 72/14</p> <p>stream [7] 18/24 22/19 23/13 24/5 52/13 52/22 54/6</p> <p>Street [3] 1/24 2/2 2/5</p> <p>strict [1] 79/13</p> <p>strictly [2] 79/22 88/11</p> <p>stroke [2] 50/13 81/3</p> <p>strokes [2] 50/16 75/11</p> <p>strong [5] 57/18 57/18 63/19 90/24 107/2</p> <p>struggled [1] 25/18</p> <p>stuff [1] 87/9</p> <p>sub [1] 51/18</p> <p>sub-distributor [1] 51/18</p> <p>subheadings [1] 76/7</p> <p>subject [10] 19/20 26/8 26/20 27/4 54/2 54/2 93/24 102/10 106/17 106/25</p> <p>subjective [1] 76/24</p> <p>submission [4] 8/9 50/1 70/15 90/7</p> <p>submit [3] 6/10 19/19 106/4</p> <p>submits [1] 27/3</p> <p>submitted [11] 5/16 6/24 8/8 15/7 36/16 36/19 84/5 84/7 84/11 97/9 99/3</p> <p>submitting [3] 13/5 13/8 88/13</p> <p>subpoena [1] 57/1</p> <p>subsidiaries [9] 24/2 26/6 26/11 38/3 42/5 48/10 50/7 69/9 78/9</p> <p>subsidiary [31] 14/5 19/3 26/7 26/14 35/9 35/10 35/23 35/23 36/1 48/3 56/5 56/6 56/10 56/12 56/20 61/9 67/14 68/24 70/19 75/3 76/8 76/9 76/10 82/14 82/15 85/20 85/22 85/23 86/8 94/1 94/5</p> <p>substance [1] 9/23</p> <p>substantially [1] 123/13</p> <p>substantive [1] 56/2</p> <p>such [2] 37/23 112/2</p> <p>sue [6] 26/4 100/2 113/10 115/10 115/13 115/20</p> <p>sued [9] 15/21 15/22 16/12 99/24 108/8 108/14 108/25 109/2 113/8</p> <p>sufficient [15] 12/15 14/14 15/2 48/9 61/19 76/20 77/2 80/7 91/12 101/17 113/2 117/4 123/15 123/22 123/25</p>
--	---	--

S sufficiently [1] 12/4 suggest [3] 8/22 8/25 101/14 suggested [1] 119/13 suggesting [3] 90/2 121/25 122/15 suggestion [3] 77/9 77/13 124/3 suggests [2] 35/15 79/2 suing [2] 43/22 108/20 Suite [4] 1/13 1/17 2/2 2/6 sum [1] 122/21 summary [2] 68/16 117/3 sundry [1] 109/4 supplement [5] 4/22 13/1 21/3 21/16 82/2 supplemental [1] 15/14 supplied [1] 95/1 support [11] 19/19 30/18 34/13 49/13 49/16 68/9 68/11 68/13 69/14 75/8 101/11 supporting [4] 101/13 101/13 101/16 104/3 supports [3] 56/17 59/5 59/8 supposition [1] 49/14 Supreme [6] 70/24 79/10 79/13 88/2 88/9 104/5 sure [18] 20/2 20/8 22/12 26/22 27/13 31/7 44/2 47/4 49/22 67/3 69/1 90/24 93/15 96/5 99/25 113/5 115/6 120/17 surprised [1] 102/23 switched [1] 38/15	TELEPHONIC [1] 1/9 tell [4] 66/7 72/19 72/19 107/3 telling [3] 13/12 49/10 49/12 temporally [1] 33/23 ten [1] 101/23 Tennessee [1] 19/25 tens [1] 44/19 Tenth [1] 106/24 terms [11] 31/18 34/19 56/22 57/15 59/20 59/21 62/11 66/7 71/23 83/25 122/24 territories [3] 15/25 109/4 113/8 territory [2] 83/1 109/17 TERRY [5] 1/22 3/18 6/6 24/22 124/14 test [2] 70/24 79/13 testify [1] 30/18 testimony [1] 49/5 Texas [2] 44/1 114/24 than [29] 5/25 14/5 14/20 15/1 30/12 37/16 40/10 40/11 46/3 57/8 57/9 68/22 68/23 69/8 69/12 69/16 71/4 74/21 80/25 82/21 86/12 87/5 93/1 102/15 107/3 111/11 114/16 122/3 125/7 thank [40] 3/18 4/14 5/24 7/3 7/22 10/8 11/6 16/22 16/25 20/6 22/7 28/23 33/1 35/13 38/1 39/12 52/17 57/4 60/4 61/22 61/23 65/10 72/24 77/7 78/20 80/12 94/7 95/10 96/25 97/6 97/16 99/18 100/3 107/8 112/17 122/13 124/7 124/12 125/18 125/23 thanks [2] 74/8 125/20 Thanksgiving [2] 9/10 125/22 that [993] that had [1] 44/7 that's [7] 42/13 49/22 60/9 79/3 99/17 116/5 121/19 the company [1] 72/1 the first [1] 67/20 the related [1] 54/21 their [100] 4/12 8/5 8/18 13/1 13/1 13/10 14/18 15/16 17/3 17/8 17/9 17/20 21/3 21/6 21/16 21/22 24/2 24/11 25/14 29/2 29/14 30/5 33/17 34/3 34/7 34/25 38/7 40/18 42/2 42/3 43/5 43/13 45/6 45/17 46/3 46/19 46/25 47/7 48/2 50/25 52/24 54/25 55/21 56/13 57/21 58/3 61/1 63/2 63/17 66/17 67/18 69/19 69/20 70/20 72/7 73/8 73/13 81/7 83/25 85/3 85/5 85/5 85/8 85/19 87/23 90/10 94/11 96/18 96/18 100/15 100/16 101/8 101/12 101/13 101/13 101/22 102/2 102/5 102/18 103/23 104/3 105/1 105/3 105/8 105/14 107/6 107/19 107/20 111/2 111/3 112/3 112/3 116/12 116/19 116/22	117/21 117/21 122/11 122/11 123/1 them [59] 5/6 6/15 6/16 12/11 13/12 15/22 22/13 22/14 23/22 24/2 30/1 30/3 30/5 30/16 34/16 38/6 38/20 38/22 39/7 39/8 40/22 43/25 48/9 48/10 51/5 52/1 53/11 55/7 64/6 65/19 66/13 66/16 67/4 75/24 77/4 78/5 80/2 82/11 89/12 89/18 94/4 98/9 99/9 100/2 101/24 102/8 103/15 108/11 108/11 108/16 112/5 116/15 117/4 118/19 118/21 119/6 119/7 119/20 122/2 theme [1] 79/11 themselves [9] 3/9 25/5 34/8 47/24 48/7 63/4 84/8 85/25 87/18 then [57] 3/17 4/21 6/11 11/11 22/8 25/19 29/7 30/4 30/24 35/7 36/23 45/11 46/11 46/23 47/24 48/4 54/6 54/22 54/25 55/7 55/9 55/23 56/12 56/17 57/13 57/25 58/5 58/13 67/18 68/12 72/21 73/25 75/19 78/10 93/12 94/17 97/8 98/15 99/11 111/2 111/3 111/4 111/4 111/15 112/3 112/14 113/24 115/14 115/20 116/17 116/23 117/21 117/25 118/2 121/7 121/13 125/2 theoretically [1] 40/24 theories [8] 19/2 22/11 22/15 22/21 23/12 25/16 25/23 80/25 theory [27] 18/25 22/18 22/20 23/23 24/6 26/4 26/7 26/19 26/22 37/23 38/7 57/11 59/8 59/11 59/21 59/22 61/11 70/5 77/24 79/5 80/4 82/23 83/9 106/1 111/9 113/16 113/17 Therapeutics [8] 12/14 13/15 18/6 20/17 53/16 53/25 54/1 84/12 there [162] Thereafter [1] 5/4 therefore [5] 31/25 55/18 68/5 69/9 107/15 therefrom [1] 34/12 Thereupon [2] 81/23 125/24 these [75] 13/9 13/16 17/20 22/15 23/24 26/4 26/12 27/14 31/22 34/3 34/7 34/18 34/19 38/2 38/14 42/5 42/12 46/19 46/25 48/17 52/23 53/4 55/16 57/20 59/4 60/17 61/1 62/22 63/8 64/24 65/1 66/1 66/3 66/8 66/10 67/5 68/23 69/9 69/17 69/23 70/22 74/14 74/19 74/22 75/13 75/22 75/25 76/11 77/10 78/5 78/22 79/1 85/19 86/7 87/12 88/20 90/14 93/2 96/1 99/23 101/5 102/16 104/21 105/18 105/22 108/8 108/25 109/8 109/9
T table [1] 11/17 tablet [1] 84/25 tailor [2] 72/5 75/24 tailored [13] 17/15 17/18 25/15 30/12 41/2 42/7 42/10 64/16 72/3 74/15 75/22 80/23 99/16 Taiwanese [1] 88/5 Takata [2] 71/3 78/10 take [29] 21/23 22/1 22/5 27/15 27/16 33/3 33/22 33/25 36/17 40/13 42/11 77/8 80/9 81/22 82/24 84/25 86/24 94/17 95/10 97/4 99/15 99/18 101/19 114/18 116/9 116/14 117/25 118/1 118/6 take jurisdictional [1] 22/5 taken [2] 81/23 114/14 takes [1] 117/9 taking [2] 33/16 117/24 talk [8] 21/4 33/4 42/15 68/18 70/13 97/8 105/11 118/2 talked [2] 74/7 78/4 talking [7] 9/25 10/2 23/3 34/24 60/25 100/5 118/6 tangentially [1] 40/21 targeted [2] 30/13 83/12 targeting [1] 15/12 tat [6] 103/8 103/18 121/23 122/3 122/23 123/3		

<p>T</p> <p>these... [6] 109/13 109/15 111/15 124/1 125/14 125/19</p> <p>they [287]</p> <p>they are [1] 19/4</p> <p>thing [12] 17/4 26/18 29/23 35/19 46/18 49/2 53/14 76/18 84/21 110/17 115/22 116/24</p> <p>thing that [1] 53/14</p> <p>things [21] 18/7 33/3 49/5 50/4 53/19 56/25 62/1 66/23 66/25 67/3 78/11 78/16 82/12 84/12 87/4 90/2 90/14 92/4 93/3 96/19 122/21</p> <p>think [106] 9/18 10/6 11/7 11/16 12/22 14/17 14/24 19/18 19/21 20/9 20/15 21/8 24/19 25/2 28/13 29/13 31/24 34/18 35/25 37/5 37/7 37/15 38/23 39/22 41/17 41/22 42/12 43/4 43/11 43/15 43/17 44/4 44/7 44/10 44/25 45/7 45/8 45/10 45/17 45/21 46/20 47/3 47/5 47/8 47/17 47/18 49/6 50/19 53/2 53/14 53/24 55/24 56/17 60/1 60/22 62/12 64/23 64/24 65/11 66/3 66/9 67/11 68/1 68/10 68/14 69/24 70/1 70/22 71/13 72/16 73/2 75/5 75/17 78/5 78/24 79/19 79/20 80/1 80/20 80/20 81/2 81/7 81/11 81/12 81/12 81/25 82/1 88/19 88/20 89/7 90/17 91/18 91/19 91/19 91/23 92/8 95/8 95/19 95/24 100/17 102/24 107/21 108/19 114/8 125/1 125/13</p> <p>thinking [1] 110/8</p> <p>third [22] 15/18 16/6 19/24 23/15 52/1 55/17 55/19 55/19 56/24 57/1 58/10 79/8 94/2 94/3 98/21 100/21 104/19 104/20 108/5 108/23 119/3 122/16</p> <p>this [187]</p> <p>those [69] 4/22 7/21 9/23 9/24 12/7 13/2 14/9 14/10 14/12 14/17 14/18 14/24 15/21 16/3 16/4 16/11 17/11 17/13 21/1 22/23 24/7 25/16 29/3 30/19 32/22 34/12 34/21 35/22 37/18 48/20 50/4 52/4 58/22 60/15 61/18 61/21 63/23 65/11 68/9 68/13 69/25 71/2 71/24 77/22 78/5 78/15 78/16 78/19 83/14 83/20 87/4 89/10 92/11 95/7 99/5 99/8 100/12 101/4 104/24 105/1 105/9 105/9 105/13 105/15 108/8 109/21 112/14 122/1 123/12</p> <p>though [9] 32/16 39/1 40/22 54/1 56/8 57/2 82/12 92/15 98/13</p> <p>thought [5] 30/24 33/8 76/22 95/11 96/9</p> <p>thousands [2] 44/19 100/11</p>	<p>three [17] 14/12 24/21 25/16 36/20 45/13 45/21 53/2 57/19 63/19 69/23 80/25 84/23 100/21 108/6 108/8 119/2 119/5</p> <p>three-part [1] 45/13</p> <p>threshold [10] 8/15 17/3 45/22 116/7 116/8 116/8 118/10 118/11 118/13 118/20</p> <p>through [11] 21/25 22/14 27/11 51/14 63/12 66/8 67/18 79/14 84/13 95/19 125/14</p> <p>throughout [12] 16/1 16/16 19/6 34/4 43/8 45/2 48/4 48/7 94/15 120/24 123/14 124/25</p> <p>tie [2] 115/9 116/1</p> <p>tied [1] 58/14</p> <p>ties [1] 74/21</p> <p>time [40] 11/17 30/25 31/8 32/11 32/13 32/15 32/18 32/19 32/21 33/6 33/10 33/11 34/17 35/12 35/16 36/11 36/12 36/13 36/22 36/24 37/5 40/14 40/15 40/19 42/25 51/4 64/24 66/5 66/9 71/25 72/2 72/22 73/9 88/12 100/15 100/22 105/25 110/14 117/18 124/13</p> <p>timely [3] 30/5 53/14 101/20</p> <p>times [7] 35/4 53/15 53/20 63/19 80/21 84/11 125/6</p> <p>timing [1] 107/17</p> <p>tipped [1] 59/19</p> <p>tire [1] 31/6</p> <p>tit [6] 103/8 103/18 121/23 122/3 122/23 123/3</p> <p>to an [1] 46/22</p> <p>to be [1] 111/18</p> <p>to dissuade [1] 76/12</p> <p>today [18] 3/8 4/7 7/7 7/11 8/15 9/20 10/7 11/7 11/13 11/14 24/14 32/2 32/5 51/14 67/24 69/15 73/10 124/14</p> <p>today's [1] 78/7</p> <p>together [9] 27/11 36/3 59/19 60/23 64/23 69/25 77/23 91/10 95/7</p> <p>told [7] 13/18 34/21 48/24 49/1 49/17 64/15 77/25</p> <p>too [6] 37/1 37/2 37/8 74/23 105/11 107/14</p> <p>took [17] 44/5 44/6 76/20 98/20 99/9 99/11 114/11 114/20 115/19 115/23 116/16 116/22 117/2 118/22 119/6 122/5 122/11</p> <p>tools [1] 30/12</p> <p>topic [2] 92/19 97/1</p> <p>topography [1] 53/7</p> <p>total [1] 10/1</p> <p>totality [3] 70/23 79/16 79/21</p> <p>touch [2] 50/21 74/17</p> <p>touched [2] 15/19 57/22</p> <p>touches [1] 21/6</p> <p>toward [2] 45/23 93/1</p> <p>towards [1] 110/9</p>	<p>tracking [2] 110/24 111/6</p> <p>transaction [2] 47/11 82/12</p> <p>transcript [1] 126/1</p> <p>transferee [1] 23/21</p> <p>travel [1] 83/8</p> <p>traveled [1] 41/19</p> <p>tremendously [1] 65/11</p> <p>trial [1] 68/13</p> <p>trick [1] 111/7</p> <p>truck [1] 67/18</p> <p>true [12] 33/7 96/14 96/24 98/25 104/25 116/24 117/14 117/24 118/1 118/1 118/15 118/25</p> <p>truly [3] 45/1 72/12 81/1</p> <p>truth [2] 45/6 117/5</p> <p>try [12] 20/21 28/15 32/12 67/18 67/19 72/8 77/15 78/12 103/19 114/6 117/10 124/25</p> <p>trying [10] 28/16 38/19 38/20 64/16 67/21 76/12 91/13 98/17 113/6 113/10</p> <p>turn [28] 7/5 9/4 16/22 22/8 24/17 26/3 27/9 27/25 28/12 30/24 31/20 32/24 36/9 39/19 42/14 50/19 60/5 64/20 71/6 74/11 76/16 80/7 80/8 89/4 89/11 93/12 112/2 112/19</p> <p>two [53] 3/8 7/21 10/1 10/1 13/2 13/9 13/16 15/21 16/4 16/11 18/7 21/17 21/19 22/14 22/23 23/18 23/20 25/1 25/1 25/8 33/3 36/19 36/23 37/16 37/18 40/2 40/24 44/10 45/17 47/6 48/21 53/19 60/1 60/11 63/20 65/16 81/7 81/12 84/2 84/23 89/22 92/4 92/10 96/21 96/23 97/10 97/12 102/10 119/1 120/21 122/2 122/7 122/21</p> <p>two-fold [1] 44/10</p> <p>type [11] 22/17 25/7 31/25 34/1 34/2 60/2 70/23 75/25 79/12 101/15 119/8</p> <p>types [2] 80/25 101/10</p> <p>U</p> <p>U.S [67] 13/6 13/17 14/1 14/1 15/19 18/21 18/24 19/6 24/2 25/11 26/5 26/7 26/14 28/5 29/1 29/20 34/9 34/22 38/3 38/4 38/9 38/13 38/14 40/15 40/22 41/19 41/20 41/21 41/25 42/4 42/9 42/24 43/16 43/18 48/16 50/7 50/9 51/9 55/10 55/13 61/1 61/8 62/13 65/22 73/6 75/2 78/16 80/22 81/7 81/8 82/14 82/15 82/22 85/14 85/19 86/1 86/20 87/16 91/6 91/24 92/3 92/24 94/1 94/5 94/19 101/5 105/18</p> <p>Ulmer [1] 2/1</p> <p>ultimately [2] 44/12 54/3</p> <p>umbrage [1] 118/6</p> <p>uncertain [1] 122/24</p> <p>unclear [2] 104/8 104/11</p> <p>undecided [1] 11/15</p> <p>under [47] 17/6 20/24 21/24</p>
---	---	--

<p>U</p> <p>under... [44] 22/1 22/16 22/17 23/10 23/23 24/12 24/15 26/16 27/15 27/17 29/11 37/23 37/24 42/12 42/18 43/10 48/22 55/25 58/15 61/12 68/3 70/25 76/6 76/7 78/10 78/21 95/10 102/25 103/21 104/4 108/14 108/16 109/2 109/7 109/10 109/11 109/23 116/19 117/3 117/12 122/16 122/16 122/16 123/22</p> <p>underlying [1] 25/23</p> <p>understand [50] 6/15 11/3 14/16 16/22 19/17 20/3 25/23 26/22 30/22 36/5 38/17 42/11 47/3 47/18 50/17 54/23 57/4 67/21 71/2 72/1 72/24 74/18 75/4 77/5 77/16 80/4 80/5 81/17 81/25 82/23 83/9 86/13 89/1 89/2 89/16 90/17 91/4 91/13 91/15 93/13 93/15 93/24 95/4 96/17 96/25 97/9 107/25 112/7 115/6 116/5</p> <p>understanding [7] 47/5 48/13 48/14 75/12 84/4 109/20 110/11</p> <p>understandings [1] 50/13</p> <p>understated [1] 91/18</p> <p>understood [9] 4/14 20/1 31/16 32/24 46/18 55/15 101/4 111/21 124/17</p> <p>undue [3] 38/18 39/5 65/3</p> <p>unduly [1] 7/20</p> <p>unfair [1] 53/11</p> <p>union [1] 109/16</p> <p>UNITED [87] 1/1 1/10 12/17 12/20 12/21 13/4 13/7 13/14 14/14 15/13 16/1 16/16 20/12 20/14 21/7 21/21 23/25 29/14 34/4 37/5 38/9 38/21 39/14 39/24 41/15 41/16 42/23 43/6 43/9 43/15 43/21 43/24 44/24 45/2 45/4 45/11 45/20 45/22 47/7 47/9 47/10 47/13 47/22 47/25 48/4 48/7 50/23 51/5 51/11 51/22 52/9 52/13 57/13 57/14 57/25 58/6 58/20 58/23 60/9 60/21 62/14 62/15 62/16 62/17 63/2 70/25 71/15 86/6 87/18 87/23 87/24 88/8 88/22 90/9 90/16 90/20 90/23 90/25 93/11 94/15 94/24 99/24 109/4 113/20 115/10 118/22 123/14</p> <p>universe [3] 28/17 34/24 75/17</p> <p>unless [4] 38/12 38/13 47/12 103/14</p> <p>unlike [2] 47/20 47/20</p> <p>unmute [1] 23/2</p> <p>unnamed [1] 29/16</p> <p>unnecessary [2] 66/16 72/10</p> <p>until [4] 6/13 68/25 73/10 108/4</p> <p>untimely [4] 107/11 107/18</p>	<p>107/18 107/24</p> <p>up [24] 11/21 39/2 41/5 41/7 44/11 46/21 47/8 47/9 68/1 68/12 71/25 75/13 85/10 85/13 88/22 92/20 93/5 95/7 102/13 102/18 110/4 119/18 122/21 123/16</p> <p>upon [6] 4/20 18/5 49/14 49/14 111/1 111/16</p> <p>urge [1] 107/6</p> <p>us [40] 8/5 10/4 14/9 24/19 28/10 29/1 29/15 43/17 46/22 47/14 53/7 53/8 53/12 55/9 62/3 63/25 64/5 64/5 65/17 66/1 66/7 66/25 67/2 72/11 72/19 72/22 77/5 77/5 85/23 86/5 99/14 102/20 102/21 113/8 113/10 115/25 117/9 122/18 123/25 124/20</p> <p>use [8] 39/9 92/3 95/13 116/7 118/7 119/14 119/16 121/6</p> <p>used [11] 68/17 75/6 92/7 98/15 99/6 100/10 104/21 105/8 106/8 119/9 120/3</p> <p>using [6] 19/3 34/4 52/23 61/1 66/9 115/9</p> <p>using Zydu [1] 19/3</p> <p>V</p> <p>valid [2] 108/16 111/17</p> <p>vanilla [1] 70/2</p> <p>variety [1] 73/18</p> <p>various [5] 8/10 41/15 50/10 94/25 109/3</p> <p>vehicle [1] 100/9</p> <p>vehicles [1] 101/4</p> <p>veil [1] 61/4</p> <p>verbiage [1] 77/2</p> <p>verified [1] 66/17</p> <p>versions [1] 86/15</p> <p>versus [2] 13/15 97/20</p> <p>very [38] 4/17 6/24 6/25 6/25 7/1 7/4 7/4 8/6 10/4 11/5 21/23 25/9 25/12 25/19 30/10 32/19 34/24 36/1 37/17 42/7 42/13 45/4 50/15 61/13 62/7 68/15 71/4 72/3 72/8 76/18 76/19 76/20 78/23 91/21 92/11 111/22 122/20 125/23</p> <p>viable [1] 123/17</p> <p>view [12] 7/12 7/24 8/12 8/12 19/13 25/12 25/17 29/12 83/18 94/11 117/14 122/17</p> <p>viewed [1] 117/4</p> <p>violates [1] 68/4</p> <p>virtual [1] 11/13</p> <p>virtue [2] 48/11 92/13</p> <p>voluminous [1] 89/10</p> <p>W</p> <p>wait [1] 108/4</p> <p>waited [1] 107/14</p> <p>waiving [1] 30/20</p> <p>Wal [17] 85/4 85/6 85/10 85/16 85/21 86/3 86/15 86/16 93/18 93/19 93/19 93/20</p>	<p>93/23 94/13 94/18 96/12 96/13</p> <p>Wal-Mart [14] 85/4 85/6 85/10 85/16 85/21 86/3 86/15 86/16 93/19 93/19 93/20 93/23 94/18 96/13</p> <p>Wal-Mart's [2] 94/13 96/12</p> <p>Wal-Marts [1] 93/18</p> <p>Walmart's [2] 85/4 85/11</p> <p>want [50] 7/3 7/6 9/8 11/14 11/20 21/24 22/3 22/5 25/24 27/14 27/15 29/22 32/10 33/3 37/9 41/6 45/4 45/9 46/18 49/4 49/21 57/24 58/5 58/12 62/7 64/4 72/9 72/18 76/22 78/1 78/11 78/12 84/18 90/19 90/22 92/18 93/23 95/5 95/11 95/14 102/14 103/10 106/14 112/20 112/21 113/8 118/21 120/1 122/14 122/21</p> <p>wanted [14] 11/17 13/13 20/19 22/10 26/1 31/6 38/24 60/24 61/21 61/25 62/1 76/14 90/1 111/17</p> <p>wants [1] 82/2</p> <p>warehouse [2] 40/11 52/2</p> <p>warning [1] 93/3</p> <p>warrant [1] 19/22</p> <p>warranted [1] 7/18</p> <p>was [122] 5/20 6/9 7/4 7/9 7/13 8/1 10/12 10/15 12/1 12/13 12/15 12/16 13/10 13/19 15/12 16/15 18/1 18/6 18/9 18/9 18/14 20/16 20/20 20/20 21/20 21/20 22/16 22/19 23/3 23/7 24/12 24/13 24/19 27/23 28/7 28/9 28/10 28/15 29/4 30/25 31/7 31/8 32/6 33/15 34/16 34/16 36/6 36/16 36/18 36/18 37/13 38/13 41/22 44/16 45/6 46/6 46/9 49/24 50/22 51/9 51/19 53/3 53/16 53/25 54/4 54/5 54/6 59/23 61/5 66/1 66/2 66/2 70/2 70/3 70/13 72/3 72/13 76/7 76/19 81/6 81/23 82/9 83/13 85/15 86/5 87/24 87/25 88/7 90/11 92/2 92/14 92/21 96/10 96/11 96/23 96/24 98/11 98/12 98/14 99/6 100/22 100/23 102/6 104/1 104/4 104/6 104/8 106/20 106/22 108/20 108/21 108/21 108/21 112/17 116/9 117/22 119/18 120/13 120/13 122/9 125/18 125/24</p> <p>wasn't [4] 23/7 48/13 82/11 110/7</p> <p>Watson [2] 48/15 48/16</p> <p>way [17] 13/9 21/5 21/10 28/9 31/7 33/21 51/13 55/8 57/19 61/18 75/12 75/13 94/16 102/14 102/22 104/12 117/10</p> <p>ways [1] 44/3</p> <p>we [379]</p> <p>we're [2] 41/8 80/24</p> <p>we've [1] 83/20</p>
--	--	--

<p>W</p> <p>website [5] 58/11 65/19 84/21 85/13 93/5</p> <p>websites [1] 50/3</p> <p>week [4] 9/11 9/17 99/1 101/23</p> <p>Weiselberg [1] 1/16</p> <p>well [27] 4/12 9/20 11/5 14/12 16/7 21/23 24/23 30/1 32/15 53/4 55/13 62/5 66/22 67/11 71/4 75/17 83/5 85/14 100/12 102/23 102/24 109/3 109/13 113/16 122/20 124/2 125/20</p> <p>well-known [1] 85/14</p> <p>went [3] 51/14 67/25 73/10</p> <p>were [55] 4/22 5/15 6/11 7/9 9/22 14/8 14/10 17/5 17/21 18/13 18/18 18/20 21/10 23/21 27/10 28/16 29/25 33/16 34/3 34/15 34/15 37/21 43/8 47/7 51/9 60/24 61/19 72/12 74/12 76/18 77/11 80/22 81/4 84/6 85/14 86/7 86/8 92/14 92/19 93/5 94/24 96/8 99/1 99/8 100/23 102/9 104/9 104/22 105/21 111/24 111/24 111/25 112/10 117/25 122/18</p> <p>were injured [1] 105/21</p> <p>weren't [2] 14/19 14/20</p> <p>WEST [3] 1/2 1/5 2/10</p> <p>what [127]</p> <p>whatever [6] 30/23 33/16 86/18 108/16 111/16 116/18</p> <p>when [39] 12/19 13/3 20/11 20/11 29/25 30/5 32/3 32/4 37/5 37/6 39/15 45/4 45/5 46/12 49/24 57/23 59/18 60/24 63/2 67/19 67/22 70/10 74/22 76/1 80/21 84/22 85/18 86/6 87/12 95/22 97/22 97/23 102/13 102/18 102/23 103/11 110/7 118/5 120/2</p> <p>where [68] 13/2 13/16 13/19 13/24 14/2 14/8 19/18 20/9 21/15 22/12 23/22 24/2 24/3 24/4 24/19 26/5 29/1 34/14 37/3 39/6 43/22 44/5 45/11 45/24 46/1 46/5 47/2 48/20 50/10 52/7 52/14 52/20 55/13 56/25 58/24 59/11 59/21 61/4 64/11 66/13 70/9 71/4 83/25 85/10 86/4 87/6 89/14 91/23 93/3 93/7 94/5 97/20 98/9 100/19 101/7 105/20 107/13 107/21 108/14 108/20 108/24 109/17 113/1 114/4 115/16 120/17 121/16 121/19</p> <p>whether [48] 5/5 5/12 7/16 8/15 8/20 9/22 11/8 18/8 20/22 20/23 28/1 28/2 38/15 40/18 43/25 55/16 55/17 56/10 73/1 73/15 78/15 87/3 91/1 91/2 91/2 94/11 94/12 94/13 94/17 94/21 94/23 96/14 97/7 97/17 98/25 100/4</p>	<p>103/6 104/11 106/7 109/18 112/4 113/10 114/10 117/1 119/6 119/7 120/3 120/4</p> <p>which [72] 6/13 8/5 8/6 12/13 15/21 18/1 18/3 18/7 18/14 20/17 25/17 27/3 31/13 31/14 31/20 33/10 34/21 35/9 35/16 36/13 36/24 37/17 39/4 42/24 43/16 46/6 47/21 48/5 52/10 52/24 53/22 54/2 54/2 55/16 57/20 58/10 59/23 59/24 61/3 61/7 63/5 63/14 63/20 66/1 66/18 66/24 69/18 70/3 70/5 70/13 71/25 73/4 73/14 73/21 74/3 74/9 76/7 79/9 79/22 80/23 81/16 87/8 90/10 90/12 93/24 93/25 101/7 101/10 102/10 105/13 106/24 117/21</p> <p>which Plaintiffs [1] 52/10</p> <p>while [6] 4/11 8/24 12/18 21/1 21/10 64/24</p> <p>who [48] 3/4 3/8 15/24 23/24 29/24 30/17 40/10 41/18 41/23 41/24 41/25 41/25 46/23 46/23 47/13 48/3 50/10 52/6 58/3 58/8 61/8 64/15 65/21 66/1 67/2 81/13 85/2 92/19 97/3 100/10 108/20 108/20 108/21 109/7 109/14 112/1 112/12 112/25 113/9 113/11 113/20 114/20 115/19 118/22 119/14 119/16 122/10 124/4</p> <p>whoever [1] 52/4</p> <p>whole [1] 42/2</p> <p>wholeheartedly [1] 120/23</p> <p>wholly [7] 36/1 48/2 56/5 56/6 56/10 56/12 56/20</p> <p>wholly-owned [6] 48/2 56/5 56/6 56/10 56/12 56/20</p> <p>whom [3] 29/13 51/3 51/18</p> <p>whomever [2] 7/14 115/20</p> <p>why [19] 11/22 17/17 37/15 46/10 48/22 49/3 51/9 52/21 53/12 53/22 59/10 66/21 68/21 74/19 79/5 84/8 97/15 99/24 108/25</p> <p>wide [1] 73/8</p> <p>will [68] 3/7 3/8 4/10 4/12 9/8 9/11 11/3 11/20 16/23 20/6 20/8 21/8 21/22 22/1 22/2 23/2 23/10 25/21 26/13 26/13 26/15 26/17 26/17 27/11 27/16 28/13 29/18 30/4 30/18 30/22 32/14 35/16 37/3 41/3 44/4 46/21 52/19 56/3 65/10 66/1 69/7 77/22 80/5 82/24 89/13 91/14 95/10 95/21 95/22 95/22 95/22 95/25 97/11 100/10 100/14 100/14 100/15 108/6 111/3 111/3 111/4 113/23 114/7 124/20 125/10 125/12 125/21 125/22</p> <p>willing [3] 24/20 72/21 122/24</p> <p>wimpy [2] 35/21 36/6</p>	<p>win [1] 102/5</p> <p>wish [1] 8/11</p> <p>wishes [1] 8/14</p> <p>withdraw [1] 66/16</p> <p>withdrawn [1] 36/25</p> <p>withheld [1] 12/5</p> <p>within [9] 12/21 18/3 18/10 18/23 20/14 51/13 54/22 62/5 75/17</p> <p>without [4] 53/17 72/21 109/17 123/1</p> <p>witness [1] 30/17</p> <p>Wizard [1] 110/9</p> <p>Wockhardt [2] 4/7 4/11</p> <p>won [1] 88/1</p> <p>won't [4] 8/24 9/10 92/1 113/23</p> <p>wonderful [2] 96/8 96/22</p> <p>word [7] 20/7 41/4 60/5 68/17 72/25 75/10 92/19</p> <p>worded [1] 55/9</p> <p>words [3] 96/9 111/18 118/7</p> <p>work [6] 27/11 39/7 40/15 66/16 72/21 77/4</p> <p>worked [1] 40/21</p> <p>working [2] 41/25 70/19</p> <p>works [3] 21/5 40/10 115/11</p> <p>world [7] 38/23 78/8 79/19 93/18 116/1 117/15 121/7</p> <p>worry [1] 21/11</p> <p>worthless [1] 100/22</p> <p>would [129]</p> <p>would merit [1] 12/10</p> <p>wouldn't [7] 39/5 92/23 107/16 113/2 113/3 121/14 122/17</p> <p>wrapped [1] 95/7</p> <p>written [4] 11/15 27/16 28/20 125/21</p> <p>wrong [6] 81/5 91/14 103/21 123/6 124/5 124/6</p> <p>wrongly [1] 119/21</p> <p>Wyoming [5] 112/16 113/11 113/12 113/18 114/23</p>
		<p>Y</p> <p>year [5] 36/15 36/19 65/16 86/18 105/19</p> <p>years [12] 32/9 32/12 35/3 35/5 35/12 36/20 65/13 65/16 66/11 71/21 72/13 73/12</p> <p>yes [40] 4/3 5/18 5/24 6/9 11/24 16/9 16/14 16/20 16/21 16/25 19/4 23/5 23/11 31/2 31/11 35/25 36/1 42/16 43/3 49/18 60/6 62/1 71/12 78/3 79/8 80/7 80/12 86/11 86/23 89/25 112/9 114/2 116/17 118/10 118/25 120/9 120/11 122/1 124/23 125/10</p> <p>yesterday [3] 5/9 6/10 116/13</p> <p>yet [4] 10/11 10/12 92/16 113/17</p> <p>York [1] 2/6</p> <p>you [442]</p> <p>you are [1] 67/12</p> <p>you're [4] 13/5 102/25</p>

<div><div><div>Y</div><div><div>you're... [2] 108/12 110/2</div><div>your [210]</div><div>yourself [6] 13/6 88/13</div><div>91/21 91/22 110/1 112/20</div></div></div><div><div>Z</div><div><div>ZANTAC [6] 1/4 3/2 85/6 85/9</div><div>104/22 123/10</div><div>Zydus [5] 19/3 19/6 19/6</div><div>19/10 21/5</div><div>Zydus' [1] 19/5</div></div></div></div>		
---	--	--